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The Legal and Political Relationship Between Congress and Bureaucracy: Quasi-Legislation" and Democratic Accountability

Jack Paul DeSario, Associate Professor
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I. Introduction

"On July 31, 1789, the first Congress of the United States authorized the President to appoint an administrative official to 'estimate the duties payable on imports'." (Heffron and McFeeley, 1983:1) This modest delegation of power marked the inception of a phenomenon which has become one of the most prominent and controversial aspects of American government. Over the past few decades Congress has delegated vast powers and discretion to administrative agencies. Administrative decisions, standards and rules--which have the same impact as laws--currently govern such issues as: meat standards, air quality, workplace conditions, the supply and distribution of health facilities, highway standards, educational curricula, and housing standards. In fact, "The federal bureaucracy currently issues approximately 7,000 rules and policy statements a year, 2,000 of which legally bind the citizenry." (Carter, 1983:1) In addition there are now over 1,100 federal administrative law judges as compared to the approximately 710 regular federal trial judges. By the early 1960s the United States district courts disposed of a total of 11,000 criminal and civil cases while the federal administrative courts adjudicated over 81,000 cases. What is clear from these statistics is that "the legislative and judicial output of administrative agencies has long since outstripped in both volume and scope the legislative and judicial output of Congress and the courts." (Heffron and McFeeley, 1983:7)

These developments emphasize the need to understand the proper functions, role, and authority of bureaucracy in our modern society. This analysis will address the legal and political interaction between Congress and bureaucracy in an attempt to explain how this relationship affects our notions of democratic accountability. Questions of central importance are: 1) Why has Congress delegated such a broad array of powers to administrative agencies? 2) What are the boundaries of the legal authority vested in these administrative agencies? 3) What are the political, legal, and constitutional implications of this modern shift in governmental power? and 4) How can administrative agencies be held accountable?

II. The Advent of the Administrative State

The notion of governmental bureaucracy is not new. The Chinese developed an administrative body governed by a civil service as early as 196 B.C. (See Harris, 1980) However, the prominent role and influence of bureaucracy--especially in the United States--is a product of the twentieth century. Our Constitution provides scant reference and little guidance in regard to the structure, lines of accountability, and responsibilities of bureaucracy. Administrative law scholars have noted that the Constitution provides more questions than answers. (See Robinson, Gellhorn, and Bruff, 1986) These legal ambiguities did not
pose major problems for the early operation of our government because the role of government at this time was limited and the function and the size of the bureaucracy was accordingly very small. In 1800 the entire federal government consisted of about 3,000 civil officials (3/4 of which were postal workers) and it grew to only 20,000 by 1830. (Dodd and Schott, 1986)

By the late nineteenth century and into the early twentieth (1880-1920s), however, the size and influence of bureaucracy expanded dramatically. A number of factors contributed to this growth including the industrial revolution, urbanization, and a changed economic ideology. These developments marked the transformation of the United States from an individualistic to a collective society, whereby it became apparent that one individual's actions had direct consequences for the well-being of others. Symptomatic of this new reality were public concerns over monopolistic and oligopolistic economic practices, public health epidemics, and water and air-pollution. Based upon these developments, the public demanded increased governmental intervention and protection. The national government began to take a "more active role in American society and its economy - a momentum that was soon translated into a significant expansion of the executive branch. It is here that one perceives the dawn of the modern American administrative state." (Dodd and Schott, 1986) This era witnessed the passage and establishment of some of the most prominent features of the regulatory state: the Sherman Antitrust Act of 1890, the Federal Trade Act of 1914, the Interstate Commerce Act of 1887, the Pure Food and Drug Act of 1906, and the Federal Reserve Act of 1913. The impact of increased national government activity during this period is illustrated by the growth of federal bureaucracy and expenditures. "The aggregate population of the United States little more than doubled from 1880 to 1920, yet the number of federal executive branch employees tripled from 1880 to 1920 and had increased sixfold by 1920." (Dodd and Schott, 1986:23)

From the early 1940s to the present, another large expansion in the size and scope of bureaucracy occurred. This growth has been attributed to the exponential growth of technology in fields as diverse as communications, medicine, weaponry, agriculture, and chemistry. New technological capabilities and applications have been found to bear profound implications for almost every aspect of society. General environmental conditions are being seriously threatened, both directly and indirectly, by our intervention. Direct threats now abound through the new and new-found omnipotence of our technology (nuclear power, DDT, recombinant DNA), and indirect threats result as a by-product of the changing energy consumption needs that they generate. Never before has mankind had the imminent capability to achieve such radical constructive and destructive alterations of society. (See DeSario and Langton, 1987)

The developments of the twentieth century have had profound implications for Congress and its relationship with bureaucracy. Congress, as a result of its growing responsibilities, has been overwhelmed by burgeoning demands and increased social complexities. By 1970 over 29,000 measures were introduced in Congress. (Oleszek, 1989) Legislators found it impossible to address the diversity of issues
presented to them or comprehend the obscure side effects and specialized formula for a host of technologies that were developing in areas such as agriculture, energy, transportation, medicine, and electronics. The enormity of their task led Congress to establish large, specialized, professional bureaucracies and grant them rulemaking powers. As the twentieth century has progressed, these bureaucracies have grown in size and importance. Administrative agencies have increasingly been delegated broad authority to determine public standards. Bureaucracies have clearly become an integral part of our public decision making system. This has been viewed with alarm by many because it seemingly disrupts the constitutional foundations of our government and our traditional notions of democratic accountability.

Democratic accountability is one of the most fundamental concerns of our political system. The United States clearly embraces a democratic political philosophy. The term democracy originated in Greece around 500 B.C. and its literally defined as "rule by the people." From the founding of our nation the constitution, the courts, and the other branches of our government have attempted to define, promote, and preserve democratic principles. The large acquisition of public authority and discretion by administrative agencies represents the latest challenge to these notions. Legal interpretations and definitions of the relationship between Congress and bureaucracy will have important implications for the operation of our democratic society.

In the context of a modern society democracy is assured through political and public accountability. Stuart Langton has defined public accountability as "purposeful activities in which citizens take part in relation to government." (1975:17) This traditional notion of democracy suggests that citizens should and must have a direct role in defining public policies. The requirements of this approach can be satisfied by either public involvement in public decision making or by being able to exercise direct control over government officials responsible for these decisions. The latter approach to public accountability is often referred to as government by consent. Political accountability, by contrast, suggests that governmental actors are entrusted with the power to direct and exercise oversight over the activities of the other governmental decision makers or branches of government. This approach to democratic accountability provides a limited and indirect role for public action. Much of the legal scholarship analyzing the problem of bureaucratic accountability has focused on the more limited notion of political accountability. A major theme which emerges from this paper is that while we should maintain political accountability we must not disregard the benefits of direct public accountability. In fact, in light of recent Supreme Court holdings and the political realities of bureaucratic behavior, public accountability may be the only effective method of assuring democratic processes.

III. Legal Justifications for Bureaucratic Decision Making

In light of the concerns outlined above, this section will attempt to analyze the legal parameters of bureaucracy. Specifically it will
address the questions: What gives administrative agencies their power to govern us? and What are the legal boundaries of administrative discretion? These are questions which legal scholars have recognized as not having "received a definitive and satisfactory answer, despite the obvious reality that the administrative state has arisen and does in fact govern us." (Robinson and Gellhorn, 1986:28) Legal determinations of essential governmental powers and relationships are based upon constitutional text, context, and interpretations. However, constitutional ambiguities have created difficulties in clearly defining the legitimate role of bureaucracy and its exact relationship to the other branches of government.

Recent Supreme Court decisions have held that the Constitution is explicit about the separation of powers and the fact that only Congress may legislate, the Supreme Court may adjudicate, and the President may execute. Yet administrative agencies have been provided with legislative, adjudicative, and executive functions. This convergence has occurred because agencies are "empowered and constrained principally by statutes rather than by direct constitutional grants and limitations of powers." (Robinson and Gellhorn, 1986:31) Congressional delegation of power has been justified by constitutional silences about bureaucratic functions and the belief that Congress, pursuant to its explicit authority to adopt any law "necessary and proper" for carrying into execution the powers of government, could establish these agencies. However, general constitutional principles and directives are still viewed as setting the parameters for what the legislature may authorize agencies to do.

The definition of these boundaries has generated a great deal of debate among scholars and the justices of the Supreme Court. In fact, many analysts have rejected the separation of powers framework for a more flexible checks and balances approach which would preserve legislative techniques of political accountability. These distinctions will be detailed later in the text when reviewing and critiquing current judicial interpretations of bureaucratic power. In any regard, over the past fifty years the Court has had to determine the degree of power Congress may delegate to bureaucracies and the constitutional justifications for bureaucratic rule making. In other words, is bureaucratic rule making an executive, judicial, or legislative act? Or do bureaucracies represent an innovative hybrid of governmental activity not governed or constrained by these traditional concepts? The legal complexities posed by the advent of the administrative state are best expressed by Justice Jackson in the case of FTC v Ruberoid Co:

They have become a veritable fourth branch of the Government, which has deranged our three branch legal theories much as the concept of the fourth dimension unsettles our three-dimensional thinking. Courts have differed in assigning a place to these seemingly necessary bodies in our constitutional system. Administrative agencies have been called quasi-legislative, quasi-executive or quasi-judicial, as the occasion required, in order to validate their functions with the separation-of-powers scheme of the Constitution. The
mere retreat to the qualifying "quasi" is a smooth cover which we draw over our confusion as we might use a counter-pane to conceal a disordered bed. (1953:487)

Judicial efforts to resolve these fundamental issues of government structure have produced a set of concepts and legal methodologies which guide bureaucratic activities. The soundness of these interpretations is still being debated. This debate suggests that current applications may not endure. Central to all critiques of bureaucratic activity are the issues of political and public accountability. However, there is also disagreement over the question of how democratic accountability can and should be legally and effectively achieved. The nondelegation doctrine provides broad boundaries for defining this issue.

A) The Nondelegation Doctrine

Although bureaucracies exercise a great deal of power it must be emphasized that administrative actions must be justified by a statutory authorization of Congress. In "principle under Article I of the Constitution Congress cannot delegate any part of its legislative power except under the limitation of a prescribed standard." (Breyer, 1984:788) This principle has been stated in recognition of the fact that Congress is the ultimate repository of lawmaking power. Therefore, congressional statutes not only create agencies but also define the procedural and substantive boundaries within which they operate. However, as has been recognized, any statutory delegation of power confers some discretion to the administrator, leaving the question of the degree of discretion Congress may grant to "an agency without abdicating its constitutional responsibility for lawmaking." (Robinson, Gellhorn and Bruff, 1986:51)

The nondelegation doctrine (or as some refer to it - delegation doctrine) was designed to address this issue. Originally, the purpose of this doctrine was to prevent broad delegations of power to bureaucracy. However, this original intent has been greatly revised. The origins of the nondelegation doctrine are traced to 1813 and The Brig Aurora in which the Supreme Court upheld a delegation by the Congress to the President to lift trade embargoes when the United States' neutrality in commerce was again observed by France and England. The Court held that Congress could use its discretion in delegating the definition of contingencies relevant to legislation. The noncontroversial nature of the issue and the courts' general treatment of the issue did not provide a great deal of direction for the future.

The Supreme Court, as a result of the limited role of bureaucracy throughout the eighteenth century, did not again address the issue of the delegation doctrine until 1892. In Field v Clark, (143 U.S. 649, 1902) the Court, while maintaining that "Congress cannot delegate legislative power" ...upheld the constitutionality of a statute which gave the President the power to suspend a provision for free import of certain goods into the country if he determined that the United States was not being accorded reciprocally equal and reasonable treatment of its exports into the importing country. The Court reached this deter-
mination based upon their belief that the statute in this case merely gave the bureaucracy the responsibility of identifying the event specified which gave force to Congressional will. Implicit within this decision was the belief that the bureaucracy was not in reality exercising a lawmaking function.

The first expression of what is referred to as the "modern test of delegation" was stated in Buttfield v. Stranahan, (192 U.S. 470, 1904). In this case the Secretary of the Treasury's power to establish uniform standards of purity, fitness, and quality for imported tea was upheld by the Court. The new rationale for the delegation of power was whether "the legislature sets 'standards' to delimit the scope of agency discretion." (Robinson, Gellhorn, and Bruff 1986:51) After this decision, the Supreme Court heard a number of cases in which it held that bureaucracy has the discretion to fill in the details of statutes which provide general frameworks of power. This judicial interpretation provides administrative agencies the authority to issue standards, rules, and regulations having the same impact as law. Therefore, the role of bureaucracy has been legally transformed by these judicial conceptions from that of a value neutral administrative body to one empowered to make important normative executive and law-making decisions.

During the 1930s two cases were decided by the Supreme Court which temporarily restrained the liberal application of the nondelegation doctrine. Both of these cases found that Congress made unconstitutionally broad delegations of power to the President. Chief Justice Hughes, in the first case, Panama Refining Co. v. Ryan (1933), while delivering the opinion of the majority, invalidated the power of the President to regulate the transportation in interstate and foreign commerce of petroleum products. This conclusion was reached based upon a finding by the Court that the legislation passed by Congress gave "to the President an unlimited authority to determine the policy and lay down the prohibition or not to lay it down, as he may see fit ... In every case in which the question has been raised, the Court has recognized that there are limits on delegation which there is not constitutional authority to transcend ... As to the transportation of oil products in excess of state permission, the Congress has declared no policy, has established no standard, has laid down no rule." (Panama Refining Co. v. Ryan, 1933:430)

The second case decided in 1935, A.L.A. Schecter Poultry Corp. v United States, found that the rule making authority provided by Congress to the executive to devise a poultry code was also unconstitution. Chief Justice Hughes, again writing for the majority, reaffirmed the belief that "the sweeping delegation of legislative powers finds no support in the decision upon which the Government relies." (Schecter Poultry Co. v United States, 1935:539)

Since the court's decision in Schecter, Congress has continued to broadly delegate vast amounts of power to the bureaucracy. Recently, however, legislative directives as vague as the setting of "reasonable rates", serving the "public convenience, interest, or necessity", "stabilizing prices", and stopping "unfair" business practices have been consistently upheld by the Court. (Breyer, 1984:788)
current unwillingness to enforce the nondelegation doctrine is generally attributed to the Court's holding in *Yakus v United States*. In this case, Chief Justice Stone, writing for the majority, upheld Congress' right to delegate price fixing standards for various commodities to the Office of Price Administration. The Court's new conception of the constitutionality of the delegation doctrine was reflected by the following passage: "Only if we could say that there is an absence of standards for the guidance of Administrator's action, so that it would be impossible in a proper proceeding to ascertain whether the will of Congress has been obeyed, would we be justified in overriding its choice of means for effecting its declared purpose of preventing inflation." (*Yakus v United States*, 1944:447)

The *Yakus* test, as applied in *Amalgamated Meat Cutters v Connally*, is now the accepted constitutional standard of delegation applied by the courts. In recognition of the evolution of judicial interpretations of legislative delegation, administrative law scholars Glen Robinson, Ernest Gellhorn, and Harold Bruff have written: "After *Yakus* most observers have been convinced that the doctrinal constraint on the delegation of legislative functions was practically if not legally dead... *Panama and Schecter* are frequently regarded as aberrations in an otherwise unblemished record of judicial affirmation of Congressional delegation." (1986:62) Any doubts about this proposition should be refuted by the expansion of the logic in *Yakus* to congressional silences in the *Chevron* case. In *Chevron, U.S.A. Inc. v National Resources Defense Council Inc.*, the Supreme Court failed to find any explicit congressional intent in regard to a regulatory approach for establishing national air quality standards. Yet, in response to this silence, Justice Stevens, writing for the majority, upheld the EPA's "bubble approach" claiming that if "...the court determines Congress has not directly addressed the precise question at issue, the court does not simply impose its own construction of the statute... Rather, if the statute is silent or ambiguous with respect to the specific issue, the question for the court is whether the agency's answer is based on a permissible construction of the statute." (*Chevron v Natural Resources Defense Council*, 1984:843)

Based upon these holdings it is clear that there are few legal restrictions upon the congressional delegation of power to administrative agencies. Over the past few decades Congress has broadly delegated decision making authority to a growing complex of professional bureaucracies. This phenomenon has been the subject of intense debate. Critics of the administrative state emphasize that bureaucracies are now empowered to make laws which bind the citizenry, yet these administrators are not accountable to the public and are only minimally accountable to Congress. This political and structural independence is seen as heightening the potential for the misuse of power. Within this context Kenneth Davis has characterized the nondelegation doctrine as a failure:

It has not prevented the delegation of legislative power. Nor has it accompanied its later purpose of assuring that delegated power will be guided by meaningful standards. More
importantly, it has failed to provide needed protection against unnecessary and uncontrolled discretionary power...
The non-delegation doctrine can and should be altered to turn it into an effective and useful tool... The focus of judicial inquiries thus should shift from statutory standards to administrative safeguards and administrative standards. (1969:728-729)

Supporters of broad delegation emphasize the benefits of this approach. A primary motive for establishing bureaucracy was to provide an expert and nonpartisan decision making body. After all, it has been recognized by a number of analysts that Congress in many cases does not have the expertise or political fortitude to make controversial decisions. In the face of intense political debate Congress often prefers to delegate rather than decide. If Congress were forced to provide specific agency directives and standards it is conceivable that intense ideological debate would ensue, making it difficult to enact any legislation. Numerous political scientists have recognized that the structure of Congress makes it much easier to defeat rather than pass legislation. (See Vogler, 1980 and Ripley and Franklin, 1987) In fact, due to this structure, it is possible for only a few congressional opponents to insure the demise of popular legislation. In our society, where quick governmental action is often essential, the prospect of legislative stalemate is not desirable. The Supreme Court, in Chevron recognized that vague statutes are often the result of political compromise or technical uncertainty. Commenting on the lack of direction provided by Congress to the Environmental Protection Agency in regard to methods of achieving national air quality standards it was recognized: "Perhaps that body consciously desired the Administrator to strike the balance at this level, thinking that those with great expertise and charged with responsibility for administering the provision would be in a better position to do so... and perhaps Congress was unable to forge a coalition on either side of the question, and those on each side decided to take their chances with the scheme devised by the agency." (Chevron v Natural Resources Defense Fund, 1984:865) Administrative discretion therefore can be viewed not only as desirable but in many cases politically inevitable.

These realities have contributed to the growth of large professional bureaucracies and their acquisition of vast amounts of power and discretion. This trend toward expertise is reflected by the fact that the number of scientists employed by the federal government increased by 49% from 1960 to 1970 and the number of social scientists increased by 52%. (Nelkin, 1981) By the early 1960s the proportion of professional type positions in bureaucracy exceeded 50%. In accordance with their supporters' beliefs, these experts have been conferred this authority because of their recognized mastery over scientific techniques and knowledge. It has generally been believed that this specialized training provides experts with the ability to "calculate an unambiguously correct answer." (Mazur, 1973:28) Recent experience, however, indicates that scientific approaches have failed to solve social problems and often contributed to them. This result can be
attributed to the fact that scientific methodologies are not effective for solving normative issues and that experts have been found to possess their own unique social biases and values. (See Krimsy, 1984) The ineffectiveness of these methodologies have resulted in policy decisions often being based upon the values of the administrative expert. As a consequence, our society is faced with the prospect of being bound by laws issued by a largely uncontrolled political body whose values do not necessarily reflect those of the public. Concerns raised by this process have led legal and political critics to examine alternative methods of political control to restore some measure of public accountability. The ineffectiveness of the nondelegation doctrine has prompted many to call upon representative institutions to establish their own indirect methods of overseeing and ratifying administrative decisions. Significantly, these reform efforts have neglected to consider methods for promoting direct public involvement and accountability.

IV. The Fourth Estate and Legislative Control - Political Accountability?

The broad delegation of power by Congress to bureaucracy has heightened the significance of political controls which can be exercised to insure administrative compliance with legislative intent. Theoretically, Congress has an impressive array of powers at its disposal to insure bureaucratic accountability. Among its more prominent techniques are the confirmation of appointees, legislative oversight and investigation, direct preemption, appropriation powers, specific delegation, revision of jurisdiction, and the legislative veto - which was recently held unconstitutional by the Supreme Court. In reality most of these strategies--aside from the legislative veto--are neither efficient nor effective. They all represent general sanctions and many of them require the enactment of formal legislation in order to confer the requisite authority. None of these controls--except for the legislative veto--provide the specific, authoritative, and continuous guidance required to insure effective oversight of an administrative establishment which enacts thousands of rules annually. Efforts to provide specific delegations or preemptions require subject matter expertise, invoke political controversy - an original motivation for broad delegation, and result in the "hopeless task of writing with the requisite specificity to cover endless circumstances." (Levitas and Brand, 1984:87) Hearings, investigations, and confirmations are processes which raise specific issues but they are not vested with the authority to require even limited compliance.

Given the ineffectiveness of these alternatives and the fact that the legislative veto was designed and is recognized as the most direct and effective guarantee that delegations will not undermine congressional authority, it is not surprising that the Supreme Court's decision to invalidate this technique has gained the attention of analysts concerned with the notion of political accountability.

The legislative veto is a clause written into a statute which maintains that an executive holding, rule, or standard will only take
effect if Congress decides not to veto it within a specified period of time - usually 60 to 90 days. These vetoes were generally exercised by a two-house, one-house, or even committee vote, depending upon the provisions of the enabling statute. (Fisher, 1987) The legislative veto originated in 1932 as a compromise suggested by President Hoover to the Congress. As noted by Justice White, President Hoover requested the authority to reorganize the government in 1929. The president "coupled his request that 'Congress be willing to delegate its authority over the problem (subject to defined principles) to the Executive' with a proposal for legislative review. He proposed that the Executive 'should act upon approval of a joint committee of Congress'..." (I.N.S. v Chadha, 1983:968) Congress agreed to President Hoover's compromise and passed the Reorganization Act of 1932 which delegated authority to the executive subject to direct legislative review. This technique seemed to provide an effective accommodation, between the executive and Congress. It reconciles the executive's desire to attain the broad delegation of authority needed to accomplish governmental objectives, with assurances that Congress can exercise effective oversight to ensure compliance with legislative intent.

Although the legislative veto originated in 1932, it was not extensively used until the 1960s and 1970s. "Between 1932 and 1982, Congress included some 318 legislative veto provisions in 210 statutes." (Bryner, 1983:76) Well over half of these statutes were enacted during the last decade of its existence. Prior to the Supreme Court decision over 1,100 legislative veto resolutions were introduced in Congress and 230 of them were approved.

It was against this background that the Supreme Court in the 1983 case of Immigration and Naturalization Service v Chadha announced its holding determining the fate of the legislative veto. The principles and methodology contained in this decision provide the major boundaries for future debate about the constitutional relationship between bureaucracy and Congress. The decision, written by Chief Justice Burger, dealt with a case which involved a quasi-judicial proceeding held by the Immigration and Naturalization Service on January 11, 1974. During this judicial proceeding an immigration judge held that Chadha's deportation should be suspended. Pursuant to section 244(C)(1) of the Immigration and Nationality Act the judge reported this decision to Congress which had reserved the power to veto such holdings. On December 12, 1975 the House of Representatives voted not to support the suspension of deportation. Chief Justice Burger's opinion based upon these facts not only overturned the use of the legislative veto in this case but announced a sweeping invalidation of legislative vetoes in general. In support of this approach the majority provides some interesting distinctions, definitions, and assumptions. The basis for this holding rests upon the belief that congressional actions in this case were subject to Article I dictates and that a separation of powers analysis is properly applied to political disputes between Congress and bureaucracy.

Chief Justice Burger imposed Article I requirements after finding that the Congressional Resolution involved was legislative in nature. The characterization of this action as lawmaking requires Congress to
conduct the process in accord with Constitutional dictates which mandate bicameral consideration and the presentment of resolutions to the President. Although the Court recognized that not every action taken by either House is subject to the bicameralism and presentment requirements of Article I, he justified this holding by asserting that this action was essentially legislative because it "had the purpose and effect of altering the legal rights, duties and relations of persons..." (I.N.S. v Chadha, 1983:952) Of interest is the Court's emphasis on the need for Presidential involvement in lawmaking because it reflects "the Framers' careful efforts to check whatever propensity a particular Congress may have to enact oppressive, improvident or ill-considered measures." (I.N.S. v Chadha, 1983:947-48) Ironically, the demise of the legislative veto allows bureaucracy to enact rules without congressional or presidential approval as long as they are acting within the broad discretion provided by the delegation doctrine. This outcome seems to threaten even our more limited notion of democratic control over bureaucracy through political accountability.

The second major component of the Supreme Court's holding was its application of a rigid separation of powers analysis. The logic of this analysis was based upon the Court's belief that the "Constitution sought to divide the delegated power of the new federal government into three defined categories, legislative, executive, and judicial, to assure, as nearly as possible, that each Branch of the government would confine itself to its assigned responsibility." (I.N.S. v Chadha, 1983:951)

Implied within this perspective is the belief that Congress was acting in accord with its legislative function and the idea that the actions of the Immigration and Naturalization Service are synonymous with those of the President and the exercise of executive power. Each of these assumptions are highly problematic and will be carefully analyzed.

This opinion represents a return to a simplistic bright line application of formalistic, separation of powers analysis. Its logic and practical implications have been widely assailed by Justice White and a large number of constitutional law scholars. Both of the Court's major justifications can be critiqued. This analysis will first review the contention that Article I requirements were mandated by the facts of this case, before turning to the Court's logic and application in its separation of powers approach.

Justice Burger maintained that legislative functions must be performed in compliance with Article I dictates and that the House Resolution in this case, and legislative vetoes in general, can be characterized as lawmaking. It is difficult to accept the simple assertion that a legislative veto applied to a previously enacted law which merely expresses disapproval and restores the status quo, is a legislative activity in any functional sense. Rather, it seems clear that the veto is intended to provide effective legislative oversight so as to assure administrative compliance with congressional intent. However, the Court claims that the legislative nature of an action can be determined by indicating whether it alters legal rights and specifying the identity of the governmental actor involved. Neither of these
features seems to capture the essence of the lawmaking function and results in a number of judicial and logical contradictions. It is widely accepted that actions taken by the judicial and executive branches regularly alter legal rights yet they have not been subjected to Article I requirements. Despite denials to the contrary it seems that a strict adherence to the Court's logic would call in to question the constitutionality and thus very existence of administrative lawmaking.

Within this context it is difficult to explain how Congress' mere oversight of this deportation decision can be deemed legislative while the Immigration and Naturalization Services' actual determination is not. In commenting on these difficulties Peter Strauss notes that the Court seems to repudiate "the now deeply ingrained proposition that Congress' legislative authority may be exercised conditionally yet that proposition was the initial engine by which delegation of legislative powers was effected." (1983:796-797) Based upon these assumptions, Strauss argued that a determination of whether an action is legislative is a function of its characteristics rather than the identity of the actor responsible for the action.

Furthermore, the existence and the Court's validation of formal legislative oversight functions also poses some dilemmas for their conceptualization of the legislative veto. While exercising of legislative oversight functions Congress can compel the presence of witnesses and attach legal consequences for noncompliance - clearly altering "legal rights." Yet bicameral approval and presentment to the President are not required for these activities. This power has been legitimated, although not specifically addressed by the Constitution, based upon the view that it is a "unnecessary and inevitable adjunct to the legislative process." (Strauss, 1983:804)

The ambiguities and contradictions of the Court's conceptualization of lawmaking stress the need to reject the identity of the actor as an important detriment and to develop a more elaborate functional approach to legislative, executive, and judicial activity. In reality this task is not as large as it may seem because the Court had been moving in that direction in the 1960s and 1970s when it embraced more of a checks and balances approach and stressed governmental function rather than formality. This issue will be discussed in more depth when analyzing the court's application of separation of powers analysis. It is clear that if the Court would have utilized a more sophisticated functional analysis it may have avoided the difficulty of describing the House Resolution as legislative while suggesting that the action of the Immigration and Naturalization Service wasn't, and it would not have indirectly called into question the constitutionality of administrative lawmaking.

Even more fundamental for the constitutional relationship between congress and bureaucracy is the appropriateness of the Court's separation of power analysis. The first major problem with this approach, as applied by the court, is its implicit assumption that bureaucracies are executive bodies and that these executive bodies are imbued with the same constitutional prerogatives as the President. The second problem presented by this analysis is the strict structural demarcation applied...
by this separation of powers analysis. It is my contention that neither of these initial set of presumptions are accurate and that the strict demarcation applied is neither practical nor constitutionally essential.

A reading of the majority opinion in Chadha clearly conveys the belief that bureaucracies are part of the executive branch and that they may avail themselves of many of the constitutional protections afforded the President. In reality it has been recognized that the "important fact is that an agency is neither Congress nor President nor Court, but an inferior part of government." (Strauss, 1983:579) This portrayal reveals that bureaucratic action is not synonymous with presidential action and that bureaucracies may most accurately be viewed as inferior political bodies which are not necessarily executive, legislative, or judicial bodies. Bureaucracy defined in this manner provides us with the ability to avoid legal inconsistencies and to insure proper governmental balances. Agencies are not protected by the same Constitutional safeguards applied to the president and therefore the lawmaking characteristics of rulemaking can be recognized and legitimated. These conceptual refinements have led Peter Strauss to recognize that the decision which was subjected to legislative review in Chadha cannot be characterized as the President's. Rather it was made by a civil servant protected against political interference and required to act by Congressional statute. Based upon this insight Strauss contends:

The difference between decisions that are explicitly presidential and those that are not is that the compartmentalization inherent in the separation-of-powers idea is an essential element of the framer's plan only for the former. Special questions are raised when the acting body is one of the named actors of the Constitution - Congress, President, and Supreme Court - who occupy the apex of power and whose excesses are for that reason the most greatly to be feared. ... For the inferior parts of government, subject to law and webs of control woven by all three of the named heads, the same risks do not arise... (1983:636)

Bureaucracy defined in this manner provides us with the ability to avoid legal inconsistencies over its activities and to insure the proper balance between agencies and the other branches of government. These realizations suggest that the strict demarcation applied in Chadha was inappropriate.

The recognition of bureaucracy as not being synonymous with the President but instead an inferior political body places the Court's invalidation of the legislative veto in Chadha into question. The Court in Chadha based its decision upon the belief that the Immigration and Naturalization Service was an embodiment of the executive branch and its desire to impose a strict compartmentalized view of the branches. The inaccuracies of this approach do not suggest that the legislative veto must be upheld, rather it suggests that "the separation-of-powers concerns implicated when Congress overrides presidential actions
are different from those implicated when it nullifies quasi-legislative actions taken by a legally or functionally autonomous agency." (Mikva, 1986:119) The most appropriate way to evaluate this issue is to evaluate whether the legislative veto rearranges power. This view, advocated by Justice White, seems more consistent with the Court's recent analysis of separation-of-powers and checks and balances issues than the majority's approach in Chadha. Prior to Chadha the Court "seemed to be moving away from the idea of 'airtight' categories and toward a Madisonian view, stressing function rather than formality." (Strauss, 1983:804) When applying this approach the central issue would be whether an action interfered with the core functions of another branch. Michael Saks provides an interesting interpretation of the relative benefits of a structural versus a core functions approach when he argues: "Structuralism is based on a compartmentalized reading of the Constitution. Accountability, I believe, serves the higher goal of ensuring popular control of government." (1984:53) According to this argument, accountability is more central to our democratic tradition than structuralism. Where a structural approach conflicts with accountability, structuralism must fall.

These conceptual refinements should provide a consistent legal interpretation of the role of bureaucracy. It may even provide for more political oversight. However, as a practical matter it is doubtful as to whether it will improve public accountability or democratic accountability in general. Even if the legislative veto were restored some have argued that it is counterproductive when applied to agency rulemaking. The major explanation for this outcome is that the oversight functions required by the legislative veto are exercised by congressional committees or subcommittees. For the 101st Congress, (1989-1990), the Senate had 16 committees and 86 subcommittees while the House had 22 committees and 138 subcommittees. The result of this decentralization is that committees are less representative of the nation as a whole and provide easier access to concerned interest groups. Generally, it has been found that small, vested interest groups with a direct interest in a regulation--such as business groups--are the most effectively mobilized. (See Olsen, 1971) The result of this process is that regulatory processes are often unduly influenced or even captured by the regulated industries. (See Stone, 1982) Therefore, the goal of public accountability is subverted by political realities.

V. Future Option for Bureaucratic Accountability—Toward Public Accountability

The political realities of the legislative veto force us to continue to search for viable methods of insuring democratic accountability. The most effective and direct solution to the objective of achieving accountability is to develop specific and precise administrative standards and procedures which can be imposed upon bureaucratic rule making. These procedures can mandate greater public involvement and oversight. The procedural approach has received significant public attention as far back as the 1930s. President Roosevelt, in response
to growing concerns over unchecked administrative power, established the Brownlow Commission to search for solutions. The Brownlow Commission's recommendations served as the basis and impetus for the unanimous passage of the Administrative Procedure Act of 1946 by Congress. (See Warren, 1988)

The Administrative Procedure Act (APA) represents the "most comprehensive, authoritative, and enduring legislation governing administrative practice in the United States today." (Warren, 1988:200) In regard to the issue of the democratic character, the APA has required that an agency provide for public notice of proposed rule making. After notice is provided, the agency also must give interested persons an opportunity to submit their views and opinions. Despite these requirements administrative rule making still is made by agencies with minimal input by the general public. The APA provides a large number of exceptions and loopholes which can severely limit its application. The narrow application of APA requirements is illustrated by the fact that "80 percent to 90 percent of agency decisions [are] not formally reviewable under APA procedures..." (Rosenbaum, 1978:86) Furthermore, the ineffectiveness of these standards are even more apparent based upon findings that suggest even when APA procedures do apply they are easily circumvented and citizen input is generally and legally ignored. It has been found that the public hearings that are provided are not well attended and that individuals who do become involved tend to represent well financed special interests. (See Warren, 1988 and Ethridge, 1987) Citizen involvement, when it does occur, is disproportionately derived from high socio-economic groups. Although, citizen involvement in administrative rule making is inadequate at the national level the problem is even worse at the state and local level. Some states don't even have administrative procedure acts and most local governments do not have any laws governing administrative procedure. (See Warren, 1988)

The failures of the APA are a product of the fact that this act is based upon inarticulate goals, objectives, and theories. Only a small portion of the APA focuses on rule making procedure. This section is vague, provides administrators with a great deal of discretion, and doesn't provide any overall objectives or direction. The APA implicitly assumes that public involvement should be limited to motivated and aware citizens and that involvement should be confined to the last stages of the administrative process.

A statutory amendment to the APA must be made in an effort to provide for more effective accountability through direct citizen participation in administrative decision making. The dilemma posed by this suggestion is to determine the appropriate role of experts and citizens and to develop procedures which would insure and maximize their contributions.

This desire makes it essential to devise a "metapolicy" for the future. Metapolicy, defined as "policy on how to make policy", would be expected to specify the most appropriate methods of reaching public decisions. (See Dror, 1971) Within this context, metapolicy would have to identify the relative, optimal contributions of citizens and experts. This determination will have a profound impact upon the
issues of effectiveness, rationality, responsiveness, accountability, and efficacy.

Before actual decision making methods that reflect a metapolicy can be suggested, a number of critical questions must be resolved:
1) What is the proper interaction between citizens and experts?  
2) What types of policy considerations or issues are most appropriate to citizen versus expert decision making?  
3) What are some of the procedures and methods that facilitate citizen versus expert participation?

The most fundamental issue to the development of effective metapolicy is the identification of the appropriate roles of citizens versus experts. A number of criteria must be developed and applied to policy decisions to help us clarify these contributions. Clearly, the need for and desirability of citizen and expert involvement varies a great deal across social programs. Therefore, the "type of decision" to be made is an important initial determinant of the relative role of each group.

As a framework for developing a metapolicy Kantrowitz suggests that policy considerations involve three issues: technical decisions, value decisions, and mixed decisions. When viewed in this way, policy-makers, scientific experts, and concerned citizens can better appreciate the unique resources each group can bring to each of these three types of decisions. (Kantrowitz, 1975)

Technical decisions are those that are based solely on the application and extrapolation of scientific issues. They are usually phrased as "what is" or factual questions. Policy issues which are purely technical considerations should remain essentially the domain of experts.

Value decisions are those that are concerned solely with the resolution of important normative or societal issues. Generally they involve issues of social behavior and do not require a commitment of social expenditures or resources. They are best referred to as moral "what should be" questions.

The mixed decision has become increasingly prevalent as a result of our technological society. These decisions represent issues that have both a technical and value component. The dual nature of these policies makes them the most complex to resolve. Should experts or citizens be entrusted with final authority? Why? Important mixed decisions have been the source of great social antagonism due to the lack of a well-defined process which logically specifies the appropriate planning contributions of each group. The demands of mixed decisions require joint participation by citizens and experts.

The contributions of citizens versus experts may vary considerably depending on the nature of each policy consideration. Citizen influence may range from a position of policy dominance (value decisions) to one of minimal or noninvolvement (technical decisions). These variations indicate the importance of designing and/or identifying decision making structures which can reflect desired contributions and assure public accountability. The concepts of citizen courts, citizen advisory councils, and federal public referenda must be recognized and required by statutory reforms to the APA.
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PUBLIC AFFAIRS AND POLICY STUDIES ORGANIZATIONS
AND PUBLIC POLICY (THE NIGERIAN EXPERIENCE)

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Governance in many countries is increasingly a complex process. Public affairs and society in the modern world are increasingly complex phenomena. More importantly, this increasing complexity of public affairs and society translates into the function of managing public affairs also becoming an increasingly complex function. In order to effectively manage public affairs, in a complex society, a strong link has long been forged between the academia and the profession of public management. The need to create new knowledge; collect, precise, analyze, and interpret huge amounts of information; and to be able to use this knowledge and information to improve the function of formulating, implementing and evaluating public policy has helped to expand, and sustain, this link between the academia and the profession of public management. The development and growth of public administration, and more recently public policy analysis, as academic disciplines and professions, attest to the strength of this link.

Schools mainly engage in creating knowledge (through their research function) and imparting knowledge to their students (through their teaching function). The task of applying knowledge to solve problems in society often fall on both schools and applied research organizations. In relation to public policy milieux, public affairs and policy studies organizations are the relevant applied research bodies. They may be affiliated to schools, or owned and/or operated by governments or private organizations.

In the developed countries, the functions, impacts, and constraints of public affairs and policy studies organizations are well known and appreciated. This is not quite the case in many developing countries. Cognizant of the fact that many of these countries are also increasingly facing complex problems, the nature of public affairs and policy studies organizations, and the role that these organizations play, fail to play, or should play in the public policy milieux of these countries need also to be understood and analyzed. The fact that many of these countries face numerous and complex societal problems, with very scarce material and managerial resources, makes the need to relate public affairs and policy studies organizations to public policy, in these countries, even more acute. Here we will specifically probe the Nigerian situation.

Some work has been done on some aspects of this subject. Banjo (1986) has chronicled the growth and development of one of the premier public affairs and policy studies organizations, the Nigerian Institute of International Affairs (NIIA). Banjo's contribution is mainly a history of NIIA's growth, and not, specifically, a study of NIIA's role in the foreign policy milieu. It is Akinyemi (ca. 1983a) who provides some information on NIIA's functioning and impact in the foreign policy milieu; but, however, he primarily covers only a portion of NIIA's existence (from 1975 to 1983). A study of the organization and financing of scientific research institutes in Nigeria, by Akindele (see Essien-Udom 1984, 15), though specifically focused on research institutes that are concerned with applied natural sciences and technology, is also very relevant. Information on the organization and financing of these institutes provides some knowledge that gives some glimpse on the dynamics of the organization and financing of all research bodies.
The social sciences, as academic disciplines, form the core academic foundations from which public affairs and policy studies organizations mostly tap their basic information from. The state of the social sciences much relate to the state of public affairs and policy studies organizations. The adequate strength of social sciences academic departments in many Nigerian universities is an indicator of the progress in these disciplines. This viability of the social sciences further translate into public affairs and policy studies organizations being significant elements in the Nigerian public policy milieu. Professor E. U. Essien-Udom (1984, 12) has noted that the Nigerian Government has continuously "shown increasing interest in vital importance of social science research for public policy." He (Essien-Udom 1984, 12-13) cites the significant resources the Nigerian Government has invested in think-tanks, like NISER, NIPSS and NIIA, as bearing "testimony to the recognition of the contributions which the social sciences can make to public policy." The existence of numerous public policy think-tanks, as noted earlier, in turn, deepens their roles in the public policy process.

The General Profile of Public Affairs and Policy Studies Organizations

Public affairs and policy studies organizations, in Nigeria, can be broadly differentiated in terms of the issue areas that they focus on.

Most of these organizations (in terms of the policy areas that they focus on) fall under about five categories, namely (a) socio-economic arena, (b) judicial affairs, (c) area studies, (d) international affairs and security studies, and (e) public policy and management. Public affairs and policy studies organizations that focus on the socio-economic arena are Nigerian Institute of Social and Economic Research (NISER); Center for Development Studies at the University of Cross River (CDS/UNICROSS); Center for Development Studies at the University of Jos (CDS/UNIJOS); Institute of Development Studies (IDS) at University of Nigeria, Enugu Campus; Center for Demographic Research (CEDER) at University of Nigeria; Center for Social and Economic Research (CESER) at Ahmadu Bello University; and the Center for Social, Cultural and Environmental Research (CESCR) at the University of Benin (Commonwealth Universities Yearbook 1988 (Volume 3) 1988, 2253-2394). The public affairs and policy studies organizations in the area of judicial affairs are the Center for Islamic Legal Studies (CILS) at Ahmadu Bello University and the Nigerian Institute of Advanced Legal Studies (NIALS) at the University of Lagos. In the area of international affairs and security studies, the think-tanks are the Nigerian Institute of International Affairs (NIIA) and the National Institute for Policy and Strategic Studies (NIPSS). Hansberry Institute of African Studies (HIAS) at the University of Nigeria and the Institute of African Studies (IAS) at the University of Ibadan are the area studies think-tanks. There are also think-tanks that focus on public policy studies and management studies. NIPSS, noted above as a think-tank in the area of international and security studies, also has a prominent focus on public policy studies and management studies. Apart from NIPSS, other think-tanks in the area of public policy studies and management studies are the Institute of Public Policy and Administration (IPPA) at University of Calabar, the Institute of Administration (INAD) at Ahmadu Bello University, Institute of Public Administration and Extension Services (IPAES) at University of Benin and the Center for Management Development (CMD).

As shown above, there are numerous think-tanks that are active in the public policy milieu in Nigeria. An adequate analysis of the roles and the impacts of all of these think-tanks can not be adequately achieved in just one article (such as this). Thus this study will mostly focus on the three most prominent think-tanks in the public policy milieu. These three major think-tanks are NISER, NIIA and NIPSS.
Nigerian Institute of Social and Economic Research (NISER): This is the premier think tank in the socio-economic arena. In fact it is the 'national' organization in this area (since it is financed by the Federal Government, and serves as the main socio-economic policy studies body for the federal and state governments).

Founded in 1950, NISER adopted its present name in 1960. Though directly financed by the Federal Government, NISER is also affiliated with the University of Ibadan (UI). This dual connection helps to ensure that NISER is fairly autonomous in its relationship with both the Federal Government and University of Ibadan. The dual connection provides NISER with an ability to use each of the two affiliations to mutually counterbalance the two of them.

NISER mainly engages in applied research and public service functions. Its applied research activities cover research on economic planning and development, industrial development, agriculture, international trade, public finance, and social policy and planning (The World of Learning 1988) 1987, 952). Its public service activities include consultancy work for federal and state governments and private organizations, and training programs for personnel of organizations which engage in activities related to the above applied research areas (The World of Learning 1988) 1987, 952). As indicated by the above applied research and public service functions, NISER broadly covers the socio-economic sphere.

Apart from being funded by the Federal Government, as noted earlier, NISER is also perceived, by both the public and private sectors, as the premier policy studies organization in the area of socio-economic affairs. NISER's formal links with federal and state governments ensures that some of the issues and subjects that it focuses on (in the above mentioned areas which engage its applied research attention) are those that are of significant interest to these governments. However, NISER, as a fairly autonomous body, also do initiate many of its research agenda. Through such thrusts, it steers policy-makers to pay attention to issues and research findings which the latter had no prior interest. Thus, in some cases, NISER leads policy-makers to new knowledge, while at other times, policy-makers encourages NISER to lead them to some particular new knowledge.

NISER's links with the federal and state governments also enable NISER to have access to significant points of public policy formulation, implementation and/or evaluation in these governments. This also translates into some NISER's applied research outputs more easily seeping into the policy process and affecting policy outcomes. Federal and State Cabinet Offices (especially their Economic Divisions) and the Federal and State Ministries of Economic Planning, Finance, Industries, Trade, Social Welfare and Agriculture are the main government units that NISER often relates to. Ministries of Transport, Labor and Health are further examples of other government units that NISER also relates to.

Apart from specific applied research for government units, NISER also influences policy issues and outcomes through its publications. Its Monograph Series publications are very important in this respect. Social Science Research Abstracts, and Research for Development series are some of its additional significant publications.

Seminars and conferences are other avenues that NISER uses in facilitating the articulation and collation of emerging intellectual views on socio-economic matters. Such avenues are also used to coalesce the intellectual community to focus on particular socio-economic problems. NISER's staff also use press releases and public pronouncements to influence policy outcomes. As a clear indicator of its adequate autonomy, some NISER's staff do sometimes strongly oppose certain proposed, or
enacted, government policies which their studies show to be deficient. For example, in 1987, NISER's head, who is also a renowned professor of economics, opposed the Federal Government's proposed oil subsidy removal policy. In order to help mobilize the general public against the proposed policy, he presented the mass media with not-too-technical facts and figures. According to him, the policy will greatly increase the production cost of manufactured goods and the cost of transportation, housing and agricultural products. He also saw the proposed policy as being capable of inducing alarming reductions in personal income, personal savings, and government revenue and expenditure (Newswatch November 30, 1987, 17). Such direct public predictions, by a luminary in economic science who heads the premier socio-economic policy studies organization, much impact on the policy process and outcome. However, it is prudent not to overstate the influence of the head of NISER. Governments can, and do, sometimes ignore the views of such individuals.

On the whole, NISER, as shown above, through applied research, public service, and, to some extent, general public information, much provides the intellectual base for the generation of social or economic policy options in a manner that befits a 'national' institute.

**Nigerian Institute for International Affairs (NIIA):** In terms of national visibility, think-tanks which focus on international affairs and security studies are very prominent. The weighty and sustained involvement which national leaderships often give to international affairs and national security matters partly account for this prominence. The fact that the think-tanks, which are concerned with this policy area, are strongly linked to the Federal Government also account for their having a high national visibility. NIIA, as shown above, is one of the think-tanks that focuses on international and security studies.

NIIA is owned by the Federal Government. Research and public service activities, in the areas of general international affairs and foreign policy analysis, are its main activities (Akinyemi 1984, V).

NIIA has a Governing Council with a Chairman. The council serves as a board of trustees. The head of NIIA is referred to as the Director General. The organizational structure of this body appears to be adequately designed to enhance its functions. It is divided into Administration, Research and Library Departments; which are headed by Director of Administration, Director of Research and Director of Library and Documentation Services, respectively. Each department is further split into various divisions. For example the Research Department has three divisions, namely: International Politics and Strategic Studies; International Economic Relations; and International Law and Organizations (Banjo 1986, 21). The key officials in this department are the Research Fellows. Each of them has a primary project within the above divisions "as well as a geographic area of specialization which is generally aimed at reflecting the foreign policy priorities of Nigeria" (Banjo 1986, 21). It is through the Research Department that NIIA primarily carries out its research and public service functions.

**National Institute for Policy and Strategic Studies (NIPSS):** NIPSS is also owned by the Federal Government. Though it does deal with strategic issues, it is mainly identified with national policy issues in a broad sense. It conducts research and public service activities that focus on national political and socio-economic issues. The fact that it is also, particularly, concerned with national directions and guidelines, that ensures national growth and strength, readily feeds into its concern with adequate national security parameters and ingredients.
On the whole, and more importantly, NIPSS serves as a body that focuses on broad national public policy issues. Its public service activities are significant. It conducts seminars and classes for high-level individuals who are directly, or indirectly, involved with public policy making. It seems that one of NIPSS's goals is the provision of adequate awareness and broad national interest articulation capacity among high-level public policy makers and opinion leaders (and thus sensitizing them to the cardinal national goals and issues). It also organizes conferences. NIPSS also conducts applied research in order to seek for adequate knowledge and information that will enhance policy formulation, implementation and/or evaluation on urgent national issues.

As noted earlier, the Federal Government of Nigeria owns NIPSS, and the former also serves as the latter's main client.

As shown above, an effort has been to provide a profile of major public affairs and policy studies organizations. It is also necessary to relate these think-tanks to the policy-making and administrative dynamics.

Public Affairs and Policy Studies Organizations and Policy-Making and Administrative Dynamics

The impact and visibility of the above public affairs and policy studies organizations, in the policy-making and administrative milieu, significantly vary.

Of all the think-tanks in the socio-economic arena, only NISER's activities cover the whole country. As noted earlier, NISER is perceived as the 'national' and premier socio-economic policy studies organization. This national visibility, and the close formal links to the Federal Government, translate it being able to have a significant amount of its research outputs and public service activities being utilized by federal and state governments. Apart from making intellectual inputs into various specific policy formulations, implementations and/or evaluations dynamics, NISER figures prominently in helping the Federal Ministries of Finance, National Planning, Industries, Trade and Agriculture, and the Federal Cabinet Office (its Economic Division), in the preparation of long-term development plans (which often form the centerpiece of national economic policy-making).

On the whole, the relative large number of socio-economic policy studies organizations, and the significant magnitude and intensity of research and public service activities of some these bodies, like NISER, have helped to make these organizations to have significant impacts on the economic and social policy making processes. The intense national desire to obtain adequate economic growth and modernization, as has been manifested in various industrial and agricultural undertakings, further enhances the importance of socio-economic policy studies organizations in providing intellectual inputs that will ensure sound economic and social policies.

NIPSS, as a policy studies organization, is in a class of its own. In fact some perceive it as "Nigeria's topmost center of training and research on matters of national policy and strategy" (Newswatch November 30, 1987, 18).

The fact that it is formally directly linked to the Federal Government ensures its research, public service and teaching functions having significant impacts on the policy process. The level and the nature of its formal links with the Federal Government specifically accounts for its impact on major national policies. It has formal access to the government at a high level. A government gazette entrusts the
Federal Government's relation with NIPSS to the Chief of General Staff (who was later designated Vice President in the Babangida Government) (Thisweek October 20, 1986, 18). With such an access, its research outputs and public service activities are easily utilized by the Federal Government. Since the number two position in the government has always been entrusted with many very important functions (for example, according to the government gazette, issued by Babangida Government, an individual occupying that position is in charge of the administration of the country's twenty-one states; appointments to the Boards of Federal Government-owned companies and parastatals; inter-state governments cooperation; administration of the focal point of national administration (the General Staff Headquarters); the administration of National Emergency Relief Agency; relations with NIPSS, NIIA and Public Complaints Commission; and the formulation of national policy guidelines on the administration of local governments (Thisweek October 20, 1988, 18)) the occupant of the position is very much disposed to utilize NIPSS. The above tasks and functions constitute a complex and heavy responsibility on any political and administrative leader. Since the Vice President is in charge of the Federal Government's relation with NIPSS, he is in a vantage position to utilize the intellectual outputs of NIPSS in the formulation, implementation and evaluation of public policies.

Apart from the formal links to the Federal Government, the caliber of people who have attended NIPSS's training programs also results in NIPSS having much impact on the public policy process. Apart from its research activities, NIPSS also runs training programs for high-level public officials who are at the threshold of becoming, or are already, important political, military, administrative or economic leaders. For example, the President, the Vice President, the Minister of Defense, the Chief of Naval Staff, the Inspector General of Police, most members of the Armed Forces Ruling Council (the supreme national policy-making body), most members of Council of Ministers and Council of States, all General Officers commanding the Nigerian Army Divisions, and many high-level federal and state career civil servants are alumni of NIPSS (Newswatch November 30, 1987, 18). In fact, the Alumni Association of NIPSS membership list almost coincides with the list of all the nation's high ranking political, military, administrative and economic leaders. There seem to be a general tendency to perceive NIPSS's educational programs as prerequisites for national leadership roles, since these NIPSS's programs provide rigorous orientation to major national policy issues and acquaints the students with guidelines on matters of national policy and strategy. The policy papers and discussions that feature during the annual dinners of Alumni Association of NIPSS also often receive wide national media coverage. The attendance of these annual dinners also appear to be a roll call of the country's political, military, administrative and economic leaders (Newswatch November 30, 1987, 18-19; Newswatch December 7, 1987, 46; Newswatch December 14, 1987, 22). A paper presented by Professor Ukwu I. Ukwu (an alumni of NIPSS), at the 1987 Annual Dinner of Alumni Association of NIPSS (held in Abeokuta, Ogun State), and entitled "The Nigerian Approach to Development: A Dispassionate Appraisal," was responded to by the Vice President, Admiral A. Aikhomu (Newswatch November 30, 1987, 18-19, and Newswatch December 14, 1987, 22). The paper was of such a very high intellectual quality, and also pertinent to pressing economic issues, that S. Adebo (the pioneer Chairman of the Board of NIPSS) requested Major-General C. Ndionu (the Director-General of NIPSS) to make the paper a subject of regular seminar at NIPSS premises in Kuru (Newswatch November 30, 1987, 18-19). Though he disagreed with some of the points made in Ukwu's paper, Admiral Aikhomu was impressed by the brilliance of the paper. Aikhomu supported Adebo's suggestion and directed the paper to be a subject of a regular seminar at NIPSS (Newswatch November 30, 1987, 19). Thus, even an annual dinner of the Alumni Association of NIPSS was able to produce an event that will influence the thinking and perspectives of a generation of policy-makers. This itself is a powerful testimony of NIPSS's crucial role in the public policy process.
Additionally, NIPSS's prominent role in the policy process also manifests itself in the form of it helping to build bridges to other public affairs and policy studies organizations. For example, Professor Ukwu I. Ukwu (an alumnus of NIPSS) is an acting Director of IDS (a development policy studies organization), an Associate Research Fellow at NISER (a major economic and social policy studies organization), and a Senior Research Fellow at NIPSS (Newswatch December 14, 1987, 22). Additionally, between 1984 and 1985, the Director-General of NIPSS was a member of NIIA's Governing Council (Banjo 1986, 31). Through this sort of links, among public affairs and policy studies organizations, NIPSS helps them to have increasing impacts in the policy milieu, through the sharing of ideas (and thus enhancing synergism in the process of generating public policy options).

As noted earlier, NIPSS do also touch on issues that relate to the country's foreign relations. However, this occurs only tangentially. NIPSS touches on issues that have international ramifications mainly when they are strongly linked to matters of broad national policy.

NIIA is the main policy studies organization that focuses on international affairs. As mentioned earlier, NIIA and NIPSS are the only public affairs and policy studies organizations that are formally linked to the Federal Government at a very high level. The Vice President is charged with managing the Federal Government relations with the two organizations, as also noted earlier (Thisweek October 20, 1986, 18).

This NIIA's access to the Federal Government, through the second most ranking person in the country (the Vice President), enables its research outputs and public service activities to be well utilized by the Federal Government.

NIIA's access to the Federal Government, at a high level, predates this formal link to the Vice President during the Babangida Government. In terms of the nature of formal access to the Federal Government at a high level, NIIA has a rich history. The year 1981 was the last time that the Ministry of External Affairs served as NIIA's supervising Ministry. In that year, NIIA's formal link with the Federal Government was moved to the Executive Office of the President (this was during the Second Republic) (Banjo 1986, 21). During the Buhari Government era, NIIA's links to the Federal Government was through the Cabinet Office and, later, through the Supreme Military Headquarters (Banjo 1986, 21). Thus it can be posited that, from 1981 to the present, NIIA has enjoyed a high-level access to the Federal Government. This has enabled NIIA to make significant intellectual inputs into the foreign policy decision-making process.

This sustained access to high levels of government has also translated into significant national visibility for NIIA. Two of its recent Director-Generals have used NIIA's leadership as a springboard for External Affairs Ministrieship. Professors Ibrahim Agboola Gambari and Bolaji Akinyemi, who, at separate periods, were Director-Generals of NIIA, later were also Ministers of External Affairs at separate periods. These two vertical foreign affairs career movements are further indicators of NIIA's crucial role in the foreign policy process.

The nature and range of the research and the related activities that NIIA engages in also greatly contribute to the organization's importance in the foreign policy process. Generally, seasoned experts have always been appointed to head NIIA's Research Department. For example, U. J. Ogwu, A. Ajala, Dr. Dike Nworah, Dr. O. S. Kamanu and Professor R. A. Akindele, at separate periods, were substantive or acting Directors of Research (Banjo 1986, 19 and 21). Professor E. Bello also served as the Director of Research (Newswatch May 9, 1988, 38). Under such able leadership, the Research Department has been able to engage in a lot of activities.
Apart from research activities per se, the Research Department also engages in other related programs and activities. These research related activities are Public Enlightenment Lecture Program; Seminars and Conferences; Round Table Meetings; Special Briefings; Enlightenment and Training Program; Dialogue Sessions and the Patron of NIIA Hosting Event (Banjo 1986, 21-24).

As noted earlier, the Research Department is divided into International Politics and Strategic Studies, International Law and Organizations, and International Economic Relations Divisions. Within these Divisions, Research Fellows (who also have geographic specializations) conduct research into foreign policy issues that reflects the country's national priorities. It is within these dynamics that NIIA's main research functions are performed. Research Fellows, upon request, also "prepare policy papers for the government" (Banjo 1986, 21). Within this context, NIIA directly provides intellectual inputs into the foreign-policy decision-making process. The fact that the Research Fellows "are now increasingly consulted by various newspapers, radio and television stations for views and commentaries on current international issues" (Banjo 1986, 21 and Newswatch May 9, 1988, 38) further deepens NIIA's impacts on the general foreign policy process.

Public Enlightenment Lecture Program is one of the research related activities carried out by NIIA. Subjects covered by this program, and the list of speakers invited to give the lectures, indicate the importance of this program. The South African problem (Banjo 1986, 21); the issue of technological capacity acquisition (Eze 1986); China's foreign policy and its modernization strategy (Xiang 1986); the individual, the state and the economy and the 1979 Constitution (Nwabueze 1979) are examples of the subjects covered by this program. The speakers who have given lectures under the auspices of this program include the following; Emeka Anyaoku, who is currently the Secretary-General of the Commonwealth of Nations; Momodu Munu, a former Executive Secretary of Ecowas; Olaf Palme, late Swedish Prime Minister; President Jimmy Carter, former President of the United States; Dr. Anatoly Gromyko (Soviet African Studies expert and the son of late Andrei Gromyko); Helmut Schmidt, former Chancellor of the Federal Republic of Germany; Jesse Jackson, an American political leader; Edward Heath, former British Prime Minister; Professor Ali Mazuri; David Rockefeller; and Javier Perez de Cueller, the United Nations' Secretary General (Banjo 1986, 22). Others include Professors B. F. Nwabueze (1979) and Osita C. Eze (1986). Through this sort of range of subjects and speakers, the program helps NIIA to get the public involved in pertinent international issues.

Another research related activity of NIIA is Seminars and Conferences program. In terms of organization, intensity, and tone, this program has more academic flavor than the above Public Enlightenment Lecture program. A series of academic papers and discussions, that concentrate on one particular topic, often characterize the format of the Seminars and Conferences program. The nature of Nigeria's relations with African and non-African countries; federalism; nonalignment; peace keeping efforts; Nigeria's international boundaries; Organization of African Unity Peace Keeping Force in Chad (Banjo 1986, 22); and the nature of economic cooperation between Nigeria and Eastern European countries (Akinyemi 1984) are some of the topics which the Seminar and Conference program has covered. Thus, this program helps to shape foreign policy agenda and further increases the role of NIIA in the foreign policy process.

Round Table Meetings is another research related activity. It is often "held in an atmosphere of confidentiality and the audience consist of carefully selected invitees" (Banjo 1986, 23). Examples of those who have presented papers in this program are A. Ayida, a former top civil servant (who lectured on a new world monetary order); P. C. Asiodu, another former senior civil servant (he lectured on some aspects of the economy and the oil industry); and President George Bush of United
States, then the United States Permanent Representative to the United Nations (who spoke on the United Nations, Africa and the United States) (Banjo 1986, 23). Through these Round Table Meetings, NIIA helps a selected group of those involved with foreign policy issues to get more knowledge about particular subjects.

Special Briefings program is another research related activity of NIIA. It is somehow similar to Round Table Meetings program. The only major difference being that the Special Briefings program's audience is restricted to NIIA's staff. The subject of the briefings often fall into two categories. One category of briefings is on events or crises in the international scene or in the domestic arena, while the other category of briefings has the objective of simply providing "information about the social, economic or foreign affairs of" particular countries (Banjo 1986, 23). Speakers in the Special Briefings sessions are often Ministers, visiting scholars, high government officials and members of the diplomatic corps. Examples of briefings that fall into the first category are the briefing sessions in which the Envoys of Argentina and Britain, on two different days, gave their respective perspectives on the Falkland crisis in 1982; the 1984 presentations made by United States' and Soviet Union's Ambassadors on the United States deployment of cruise and pershing missiles in Europe; and the 1985 briefing on the Iran-Iraq War, given by Iraqi and Iranian Ambassadors, on two different days (Banjo 1986, 23). The second category often involves Envoys simply giving presentation on the social, political, economic and/or foreign affairs features of their countries. Almost all Heads of Foreign Missions, based in Lagos, have, at separate periods, given such presentations on their respective countries (Banjo 1986, 23). The Special Briefings sessions are very popular and frequent. In 1985, twenty briefings were given. These sessions enable NIIA's staff to get adequate and current information about international issues and foreign countries. Such adequate information, in turn, enhances NIIA's capacity to provide high-quality intellectual inputs into the country's foreign policy process.

Another NIIA's research related activity is the Enlightenment and Training program. Through this program, NIIA offers tailored training programs to specific groups. This is often done at the request of the groups. Groups and organizations that utilize this program are mostly those that have functions that have some international ramifications. For example, senior officials of Nigerian National Petroleum Corporation (NNPC), the Nigerian Army, the Nigerian Air Force, the Nigerian Navy, the Department of Immigration, the Nigerian Police Force, the National Assembly staff, the National Insurance Corporation of Nigeria, and the Federal Radio Corporation of Nigeria have benefitted from this program (Banjo 1986, 23).

Another important research related program is the Dialogue Sessions. This takes the form of bilateral "discussions over a range of subjects" between a Nigerian delegation and a delegation of another country (Banjo 1986, 23). The discussions often cover the political, security, economic and cultural aspects of Nigeria's relation with that country (thus, it is very comprehensive). It also takes the form of a two part series. The dialogue takes place in NIIA and also at a similar institution in the counterpart country. The Nigerian delegation is often composed of experts from NIIA, professional communities, the academia, the business sector, and the media. Brazil, the United States, the Soviet Union, the Nordic countries, the Federal Republic of Germany, Canada, China and Cuba are some of the countries which NIIA has held Dialogue Sessions with (Banjo 1986, 23). The accomplishments and the proceedings of the Dialogue Sessions are often made available to the general public in the form of publications (for example, see Nigerian Institute of International Affairs 1980 and Nigerian Institute of International Affairs 1984).
The final, and a very important, research related program is the Patron of NIIA Hosting Event. The President of Nigeria is the Patron of NIIA. This event, which is commonly referred to as the "Patron's Dinner," has a rather very serious tone. It has become a forum for the President to give an address reviewing the state of the world and stating Nigeria's views on key world issues" (Banjo 1986, 24).

NIIA do also collaborate with other bodies to organize seminars and workshops. Such seminars and workshops often focus on policy issues NIIA and the collaborating bodies perceive as having significant potential for synergistic tendencies, in terms of the generation, dissemination and application of ideas for policy-making purposes. For example, the Nigerian Navy (NN) and NIIA have a rich history of such collaborations. Security issues in Nigerian coastal areas is one issue area that necessitated the NN and NIIA co-sponsoring a workshop (see Akindele and Vogt 1983). The NN and NIIA has also jointly organized a seminar on "The Law of the Sea" (Akinyemi 1983 b, 8).

Through research, and the numerous research related activities (examined above), NIIA makes a tremendous impact on the foreign policy decision-making process. The research related programs, particularly, due to the wide media coverage which most of them receive, have also given NIIA a lot of national visibility. This further deepens NIIA's influence in the foreign policy process.

The importance and success of these wide-ranging research related programs has made these programs to compose themselves into a NIIA tradition, according to Banjo (1986, 21).

NIIA also has a vigorous publishing program. Many of the above research and research related programs provide materials for numerous publications.

Despite this excellent series of activities on the part of NIIA, its energy, sometimes, appears to make some Ministry of External Affairs officials to perceive NIIA as a threat. Some of the Ministry's staff appear to sometimes feel that NIIA, apart from its proper role in the area of research and public service activities, treads in a grey area that brings it into the policy-making arena (which is perceived as properly belonging to government ministries and agencies [Akinyemi ca 1983a]).

On the whole, NIIA seems to be relating adequately to the foreign policy decision-making milieu. Okoi Arikpo, a former Minister of External Affairs, had warned NIIA not to "indulge in idle pursuits unrelated to our national policies and pre-occupation" (quoted in Banjo 1986, 17). NIIA seems to be obeying Arikpo's instruction very well. It has performed adequately as a foreign policy studies organization. In this sense, it seems NIIA also agrees with Arikpo's view that NIIA "is an instrument of public policy" (quoted in Banjo 1986, 17).

The Muhammed/Obasanjo Government era, which was associated with assertive foreign policy behavior, was one of the brightest periods in NIIA's history. NIIA provided much intellectual inputs into foreign policy-making process during that era. It was also much identified with the foreign policy successes of that period (Aluko 1976 and 1981; Akinyemi 1979).

NIIA, and the other public affairs and policy studies organizations, have found various ways to achieve their missions, as shown above. Their achievements, however, have also been shown as significantly varying.
The amount of available resources, the nature of affiliation, the nature of access to policy-making points, the organizational structure, leadership capacity, organizational goals and socio-political dynamics are some of the factors that seem to impact on the performance of the public affairs and policy studies organizations.

The above profile of the public affairs and policy studies organizations, and their performance in the policy milieu, do indicate the effect of the amount of resources available to these organizations. NIPSS, NIIR, and NISER are the organizations that have larger amounts of material and human resources at their disposal, due to their prominent and visible links to the Federal Government. The above analyses of the performance of public affairs and policy studies organizations, in the policy milieu, show the three bodies to be those with greater impacts and national visibility.

The nature of affiliations of the various think-tanks, as shown earlier, also vary. Some are research, public service and/or teaching units of universities, while others are fairly autonomous bodies that are formally linked to the Federal Government. NIPSS and NIIR are the bodies that are formally linked to the Federal Government. NISER has an affiliation profile that are a combination of the above two types of affiliations. NISER is a fairly autonomous organization which is located in a university campus; but it is also formally linked to the Government. (NISER is located at University of Ibadan but is formally linked to the Federal Government.)

The fact that bodies like NIPSS and NIIR have formal direct links to the Federal Government, at a very high level, obviously enable them to make more inputs into the policy process. The universities' affiliated bodies do not have much formal direct links to the Government, and, thus, cannot make the same amount of intellectual inputs into the policy process.

The very fact that public affairs and policy studies organizations are affiliated to universities make them to have orientations that are different from those that are not linked to such academic institutions. According to Dunn and Whorton (1987, 118), "all universities deem instruction and research to be their central focus," and, accordingly, universities often "design reward structures to recognize performance in these areas." Dunn and Whorton (1987, 118) also note that academicians often "experience discomfort when attempting to appraise the performance of their colleagues' work in" areas other than research and instructions, and that "some faculty may evince hostility toward these units whose programs they view, at best, as a secondary university function and, at worst, as an illegitimate university activity." The sort of activities that often make public affairs and policy studies centers to have significant impacts in the policy-making milieu are applied research activities. Applied research often does not comply to the same standards as those research which most academicians consider to be scholarly research. By its very nature, applied research in the area of public affairs and policy studies seeks to discover, examine, understand and/or provide solutions to public policy issues and problems. Thus, applied research is more practical world focused and problem solving oriented. These practical world and problem solving orientations do not often allow applied research to engage in the luxury of dense, non-problem solving oriented, unhurried, and rigorous search for intellectual knowledge (which is associated with scholarly and basic research). This is a rather contentious issue. Some scholars will not share the view of some of their peers that, intrinsically, applied research is not scholarly research.

Though many university affiliated public affairs and policy studies organizations do have research, teaching and public service functions, they appear to be more able to discharge the teaching function. Additionally, according to some stud-
studies (Dunn and Whorton 1987, 118), while also having "comparative advantage over other institutions in research," university-related public affairs and policy studies organizations do not have such advantage in the area of public service activities, which involve things like technical assistance to public and private agencies, problem-solving studies and continuing education (see also Szanton 1981, 19).

Obviously, in order to conform to the university culture that emphasizes teaching and scholarly research, university-related public affairs and policy studies centers do well in these two areas and not very well in public service programs. Public affairs and policy studies organizations that are not affiliated to universities are thus more able to perform applied research (which feeds more into public service programs), and thus become more relevant in the policy-making milieu (since there is no university culture forcing them to emphasize scholarly research and instruction functions more than public service functions).

Thus, the nature of affiliations is one of the factors that enable some public affairs and policy studies bodies, like NIPSS and NIIA, to have significant impact in the policy-making milieu, while some (like those that are affiliated to universities) make lesser impacts in the policy-making process.

Another factor that accounts for the performance of public affairs and policy studies bodies is the nature of access to policy-making agencies. As shown earlier, higher and greater access to policy-making agencies translates into greater impacts in the policy-making milieu and into greater national visibility. Of all the public affairs and policy studies organizations, NIPSS and NIIA have the highest and greatest access to policy-making agencies. As also noted earlier, NIPSS and NIIA are the only public affairs and policy studies organizations that are linked to the Federal Government, through the Chief of General Staff (who is now designated Vice President) (Thisweek October 20, 1986, 18). NIPSS's and NIIA's links with the Vice President also imply that these organizations also have significant contacts with other machineries of national policy and administration, for example the Federal Government Cabinet Office. The Cabinet Office is one of the most important policy structures within the Presidency (which is the hub and fulcrum of national leadership). The Political and the Economic Divisions are the more visible units of the Cabinet Office. Specifically, the Cabinet Office serves as the hub for the erection of foundations for major national policies. It is also entrusted with some specific matters. For example, it is often much involved with constitutional issues, census affairs, and creation of states policies (Newswatch June 6, 1988, 29). Its significance is also demonstrated by the fact that Sandra Ndayado, the head of the Political Division of the Cabinet Office during the Gowon Government, influenced Yakubu Gowon, the Head of State, to postpone the plan to replace military rule with civilian rule in 1976 (Newswatch June 6, 1988, 29). At the eve of Angola's independence, it was the Cabinet Office, rather than the Ministry of External Affairs, that helped Murtala Muhammed, the Head of State, to fashion Nigeria's policy towards Angola (Newswatch June 6, 1988, 31). A high-powered team, sent by the Babangida Government to resolve a major foreign policy problem with the neighboring Republic of Equatorial Guinea, included Modupe Okunnu, the Director-General of the Political Division of the Cabinet Office (Newswatch May 23, 1988, 14). These sort of policy influence and involvements clearly indicate the public policy importance of the Cabinet Office.

Thus, NIPSS and NIIA, by having access to policy structures like the Cabinet Office, have the ability to have very significant impacts on the policy milieu. The highly intellectual bent and backgrounds of many of those who work in the Cabinet Office, and the additional intellectual nature of the functioning of this structure (Newswatch June 6, 1988, 29), also make the Cabinet Office to be predisposed to
relate positively to intellectually oriented organizations like NIPSS and NIIA. Such a reality further expands NIPSS's and NIIA's impacts in the policy milieu.

Affiliation to the Federal Government is not a sufficient factor to ensure adequate impacts of these think-tanks. Affiliations combined with adequate access ensures such impacts. Thus, though NIPSS, NIIA, and NISER are all affiliated to the Federal Government, due to their higher and greater access to the Federal Government, NIPSS and NIIA have greater impacts in the policy-making milieu and more national visibility.

The organizational structure of public affairs and policy studies organizations is another factor that affect their performance. The discipline of administration stress the importance of adequate organizational structural arrangement in ensuring efficiency in organizations. More appropriate organizational structural arrangements of NIIA, NIPSS, and NISER have likewise translated into their being able to perform better than other public affairs and policy studies bodies.

Another factor that affects these bodies is the nature of their leadership capacity. Many of them, that have been able to perform very well, have, at various times, been blessed with able leaders. For example, during their various tenures as NIIA's Director-General, Dr. Fabunmi and Professors Akinyemi, Gambari and Olusanya did a lot to build NIIA into what it is today.

The sort of organizational goals that public affairs and policy studies organizations pursue also partially accounts for the performance of these organizations in the policy-making milieu. Those with goals that fit into policy areas which governments deem as being more important, and governments do deal with on a regular basis, are likely going to have more impact in the policy-making milieu. International affairs; economic and social policy; and the good performance and general stability of the political system (which NIIA, NISER and NIPSS are, respectively, concerned with) are issues that governments consider to be the more important policy areas and deal with on a regular basis. This reality is one of the factors that make NIIA, NISER and NIPSS to be important in the policy-making milieu.

Though NIIA, NIPSS and NISER are very influential think-tanks in the national policy milieu, they are acutely aware that, technically, they do not have the formal legal power to formulate policy. Rather, the three bodies are, technically, seen as only existing to generate ideas and policy options for the government ministries and agencies that have the legal power to formulate policy. Since knowledge is synonymous with power, the function of providing ideas and policy options and the function of formulating policy do get blurred (and thus NIIA, NIPSS and NISER do get formally involved in the latter function also, either inadvertently or as a result of the momentum of the policy process). However, these think-tanks, in order to minimize conflicts with government ministries and agencies (which are formally charged with the functions of policy formulation, implementation and evaluation) much prefer to be publicly perceived as having only the function of generating ideas and policy options for the policy-makers, rather than being perceived as being interested or involved in policy formulation. Thus, the think-tanks often emphasize their intellectual orientation. For example, Professor Akinyemi notes that the think-tanks "have built up channels of communications with the thinkers in our Universities and in the private sector" and that "[T]hrough these channels, ideas can be gathered and collated and made available for use" (Akinyemi 1983b, 8). He thus urges the "use of think-tanks such as NISER, NIIA and NIPSS, etc. in generating ideas," while also being quick in positing that the think-tanks "do not ask to formulate policies" (Akinyemi 1983b, 8).
At particular periods, due to socio-political dynamics, certain policy areas become more prominent than are normally the case with them. Public affairs and policy studies bodies, that are concerned with these particular policy areas, will enjoy more prominence in the policy-making process, during such periods, than is normally accorded to them. For example, during periods of administrative reforms, like the Udoji Public Service Review Commission era, organizations like INAD and CMD were more prominent, in the policy-making process, than is normally the case for these two bodies. Also, during periods of constitutional changes or reforms, NTALS and CILS also become more prominent than is normally the case for the two of them.

On the whole, the effectiveness of the public affairs and policy studies organizations cannot be attributed to a single factor, but to a certain combination of the factors analyzed above. Thus, the effectiveness of these think-tanks in the policy-making milieus can be explained or predicted on the basis of a certain combination of the factors of the amount of resources available to them, the nature of their affiliation, the nature of their access to policy-making agencies, their organizational structure, their leadership capacity, their organizational goals and the nature of socio-political dynamics.

Conclusion

The above examination and analysis of the nature of the relation between public affairs and policy studies organizations and the public policy-making milieu have revealed certain patterns and dynamics.

The profiles of the public affairs and policy studies organizations show that they can, comfortably, be classified according to their main policy concerns. Thus, these bodies fall into the following categories, namely (a) socio-economic arena, (b) judicial affairs, (c) area studies, (d) international affairs and security studies and (e) public policy and management.

Many of these bodies are affiliated to universities, while others are fairly autonomous bodies that are formally linked to the Federal Government.

While some of these bodies have national orientation and focus, in terms of their missions and functions, many of these bodies have regional orientations and foci. Many of the bodies that are linked to universities are those that tend to have regional orientations and foci, while many of those that are linked to the Federal Government are those that have national orientations and foci.

The bodies that are more identified with national orientation and focus are NIPSS, NIIT and NISER (which are linked to the Federal Government). Due to their prominence in the policy-making process and their pronounced national visibility, as shown earlier, these three bodies can truly be referred to as the 'national institutes'.

A series of factors, in various possible combinations, rather than a single factor, are also seen as determining whether the public affairs and policy studies organizations are effective in the policy-making milieu. These factors are the amount of available resources, the nature of affiliations, the nature of access to policy-making agencies, organizational structure, leadership capacity, organizational goals and the nature of socio-political dynamics. Thus, in order to improve the performance of the public affairs and policy studies organizations that are not performing adequately, it may be necessary to increase the amount of human and material resources that are available to them, improve the nature of their affiliations, provide them with more access to policy-making agencies, improve their
organizational structures, enhance their leadership capacity, ensure relevant organizational goals and/or also ensure that these bodies are more able to relate to changing socio-political dynamics.

The establishment of a national coordinating unit for all the public affairs and policy studies organizations may help to implement the above stated recommendations, and also help to coordinate, monitor, guide, and enhance these bodies. The research institutes in the areas of physical and biological sciences, engineering and technology have a machinery (the Federal Ministry of Science and Technology) (West Africa April 11, 1988, 661) that performs such roles. Thus, a similar agency for public affairs and policy studies organizations may be a good idea. The Federal Ministry of Science and Technology's responsibilities being expanded to cover public affairs and policy studies organizations may even be more appropriate.

As a former Head of State emphasized, effectively harnessing the country's talents and intellectual resources for development is the best way for the country to develop (Obasanjo 1987, 31). Proper and effective harnessing of public affairs and policy studies organizations' resources will help this sort of strategy for national growth. By enhancing the quantity and quality of public policy options available to the policy-makers, the think-tanks have the capacity to act as significant catalysts for political, social and economic progress and for the enhancement of the efficiency of the system of governance.
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Europe 1992 and the American Economy: A Project to Strengthen International Economics at Ohio Wesleyan University

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The Economics Department of Ohio Wesleyan is an interdisciplinary one with four majors and a staff with three distinct backgrounds. The majors are Economics, Accounting, Economics with a Management Concentration, and International Business. While most of the staff are Ph.D. economists, two are CPAs and one is an MBA with a JD. In addition, faculty in several other departments--Politics and Government, Sociology, History, and Philosophy--contribute to the latter two majors.

In 1985, the Economics Department initiated a Center for Economics and Business to enhance the teaching, learning, research and community service of Ohio Wesleyan, particularly in the majors mentioned above. Its two major foci to date have been ethics and international education. This project is a major effort to increase the international dimension of education at Ohio Wesleyan.

Since the fall of 1989, a group of ten faculty have been learning about the European Community, particularly its recent single market initiative, and its impact on the U.S. economy. The importance of the topic is obvious. This group of countries, taken together, is of an economic size comparable to the United States. The European Community is our major trading partner and the flows in both directions of private direct investment have been increasing rapidly. The study of this topic involve both macroeconomics and microeconomics, both business strategy and accounting practices, both cultural differences and political comparisons. In other words, there are topics of interest to academics in a wide variety of disciplines.

The plan of the project had five parts: First, for a two year period speakers were brought to campus to address faculty and students on various aspects of Europe 1992. These speakers came from government, business, academia and international organizations. This included a professional-in-residence each year.

Second, two senior seminars for students were taught the second year. Each seminar was supervised by one faculty member, with other faculty in the Europe 1992 Study Group giving seminars. Also, visitors to campus addressed the students.

Third, each faculty member pursued an individual research project. These projects were designed to enhance the international dimension of the courses taught by each faculty member. In addition, some of the projects allowed faculty to take existing research in a new direction, or to open a new area for research.
Fourth, a faculty seminar was held each summer; an opportunity for participants to report on their research efforts, exchange ideas and discuss the implications of their work for the curriculum of the department in the future. This was stimulating, given the fact that the disciplines of Economics, Management, Accounting, Politics and Government, Sociology, History and Philosophy were all represented.

Fifth, a faculty study trip to Europe climaxed the program. This group of faculty from Ohio Wesleyan made a well organized trip to London, Brussels, Bonn, Cologne, Dusseldorf, Essen and Berlin where over forty officials from business, labor, national governments, research institutes, and the European Community itself addressed the group in a format that allowed discussion. It was an exciting climax to a very fruitful endeavor.

At the present time, the overall project is winding down. The study trip was completed in early summer, 1991. Individual faculty are now integrating the findings from these sessions abroad with the earlier work done on campus to complete their individual research projects. The final faculty workshop has yet to take place. Fittingly enough, all parts of the effort will be completed in early 1992. A selective summary of the content of this project is presented below.

Speakers and Visiting Professionals

One of the key constituent parts of our "Europe 1992 and the American Economy" project was a series of lectures, seminars, and class visits by off-campus scholars, business persons, and government officials. We took care not only to invite Americans, but to have Europeans on campus as well. Most of these visitors were brought under the auspices of our grant from the Cleveland Foundation with matching funds from Ohio Wesleyan.

In the early stage of our project, in late 1988 and early 1989, we sought to gain a better historical perspective on international trade relations and gain access to resources and contacts for our individual and group projects. We invited the eminent economist Charles Kindleberger, Professor Emeritus of MIT, whose main expertise lies in the area of economic history with an emphasis on international trade theory. Professor Leon Hurwitz from the European Community Studies Association provided us with contacts in this country and Europe. An American professor teaching at INSEAD in France, Professor Landis Gabel, spoke on "Europe 1992 and the Implications for the U.S.," a title congruent with the title of our project. Later we had two German visitors on campus who provided European perspectives. Because our group was interdisciplinary and because we wanted to widen our interests beyond business and economics, we invited Professor Helga Haftendorn, a political scientist from the Free University of Berlin, and Dr. Jens Reich, formerly of the East German Academy of Sciences and the East German Parliament. Haftendorn, while also addressing transatlantic and European economic issues, spoke chiefly on security matters. Reich focussed on German unification and the future agenda for the EC in Eastern Europe.
It should be stated here that we were able to have some of our visitors on campus for several days or even a week. The longer visits were far superior to a lecture-and-leave format as it allowed faculty and students to set up appointments with the guests to discuss individual interests and research projects.

In the second half of our project period, we concentrated on specific areas of group interest and began to prepare for our meetings and conferences in Europe this past May. For example, we chose two particular industries, pharmaceuticals and automobiles, and studied the impact of a single European internal market on them. Officers of major companies operating internationally in these industries came to campus to help us prepare for our visit. We also had considerable interest in transatlantic trade disputes and, during our May trip to Europe, held a relevant seminar at the RWI institute of economic research in Essen and Brussels. To prepare for those meetings with Europeans we invited the Director for International Trade, U.S. Treasury, who spoke to us on "Europe 1992 and U.S. Trade Policy."

The above are only some of the many highlights of the speaker and visiting professionals series. These speakers not only enriched our faculty project but their various presentations added much to project-related seminars for students.

Individual Research Projects and Course Development

In general, the various research interests of the group members focused primarily around the courses that they teach. A brief description of these interests is given below by discipline.

Economics: Within the History of Economic Thought course, the evolution of economic theory from mercantilism to the modern day is studied. In the past, this course had a rather weak international trade theory component. Through the Europe 1992 project, the instructor was able to strengthen that aspect, including much of the rich debate on protectionism versus free trade, and concluding with some notes on the European single market initiative and its external ramifications.

The expansion of the EC has meant the inclusion, in addition to Italy, of Greece, Spain, and Portugal. These additions provide fertile materials for courses in Economic Development and Regional/Urban Economics. In our case, a faculty member has studied the impact of European integration on the Mezzogiorno (southern Italy) and on Andalucia in Spain. In addition, the Ruhr area, an old steel and coal region in prosperous Germany that has modernized successfully, will be studied.

The International Economics course has always discussed issues related to international trade, international factor flows and the activities of businesses operating internationally. The course will now examine in more depth regional economic integration; particularly the development of a unified market and European monetary integration using the EC as the case study.
An expanded section on Business in the European Community has also been added to the Senior Seminar for International Business majors. More current cases of U.S. business operations in Europe as well as European business operations in the U.S. will be added.

At the micro level, of particular interest is the impact that the European community will have on the labor movement. In both the Labor Economics course and a related Senior Seminar on labor issues, a discussion of the impact that increased competition and/or standardization will have on wages, costs of production, apprenticeship training, and labor mobility will be addressed. The impact labor policies will have on each country’s income distribution will be discussed in the course on Public Finance.

Another micro issue, consumer demand, is also being studied. A Senior Seminar on Consumer Behavior as well as an expanded international component of the Principles of Economics course will address issues related to homogeneous products, standardization of production, and consumer sovereignty. Issues will include the emergence of "Euro-brands", economies of scale, and cultural diversity.

Economics with a Management Concentration: Courses in management within the Economics Department that will benefit from this faculty development project will include Marketing Management, Financial Management, Entrepreneurship, and a Senior Seminar on Strategic Planning. Within these courses, more emphasis will be given to the globalization of business, restructuring of both American and European firms, long term growth strategies and marketing activities. A new area of interest will be on "business incubators" and how both the public and private sectors can combine their efforts to promote new business ventures at the local and national level. A comparison of such efforts across the EC as compared to the United States will be discussed.

Accounting: International taxation issues and currency valuation will be a new foci of interest for the accounting courses. Specifically, the impact of the intra-continental tax structures and how they either enhance or hinder the conduct of business across the EC and between the EC and the US will be studied. In the Managerial Accounting and Cost Accounting courses, within the section on project decision making and budgeting, the concept of evaluating foreign manufacturing as a cost saving mechanism and deciding which foreign affiliated entities should or should not be counted will be included. Further, in the Advanced Accounting course, topics can now include parent/foreign subsidiary relations and intra-company dealings, currency translation gains and losses as presented in financial statements, consolidations of foreign subsidiaries, purchases and sales of foreign currencies, heading, segment reporting, synergy and valuation for mergers and acquisitions.

Ethics/Philosophy: In conjunction with the Philosophy Department, the Economics Department developed a Business Ethics course over a decade ago. Since that time, and under the auspices of the Center for Economics and Business in the mid-eighties, we have had significant disciplinary (economics) and interdisciplinary study projects on ethics and the curriculum. This
ultimately resulted in a National Colloquium at Ohio Wesleyan on "Ethics, Citizenship and Public Policy" in the fall of 1990. For three years we have also taught an interdisciplinary honors seminar on ethics and public policy where such issues as international competitiveness, product safety, pesticide exports, racism, and nuclear energy have been dealt with. Related to Europe 1992, our key interests have been to learn the Europeans' view of corporate social responsibility and their view of the interaction between the business firms and the government. While much has been happening in the business ethics arena in this country for well over a decade, we know relatively little about what people in other nations have to say or have written in this area. We at Ohio Wesleyan are also working closely with the Council for Ethics in Economics in Columbus, an organization that is holding a major conference on international business ethics in March of 1992.

Politics and Government: Of particular interest in this area is the relationship between the economic construction of the internal market and the development of the effectiveness of European Political Cooperation (EPC). First, the history of the EPC as a component of the European Community was studied. Then a comparison of substantive EPC foreign policy stances with United States stances on the same issues was made. Relationships between the stances were explored. Then the various assessments that are being set forth on the implications for the future of the EPC achieving a more united economic market by January, 1993 were addressed. Lectures on this topic will be incorporated into a course on International Organizations which studies the United Nations and the European Community.

History: The historian of the group is interested in exploring ways in which free-trade or laissez-faire liberals in 19th century Britain perceived their classical economic principles as having applications beyond the realm of trade policy. Free Traders developed a unique strain of political Radicalism in the 19th century which proved to be of enormous importance for a broad range of reform activities. In the course of developing arguments against protectionism they not only drew on classical economic theory, they developed an ideology of free trade with implications for foreign policy, colonial policy, land reform, financial reform, monetary systems, defense strategies, relief of economic distress and governmental reforms along democratic lines of broad political participation. Courses that would benefit directly from such study include a seminar on North Atlantic Relations, with special attention to the evolution of free trade and protectionist obstacles and ideologies and an expanded lecture series in the course Western Civilization and Modern British History. In addition, a special course entitled Topics in British History will include the topic of Free-Trade Liberalism.

Faculty Study Trip

During the Europe 1992 Faculty Study Trip to Europe, a wide variety of high level officials from industry, labor, government, academic research institutes and the European Commission were engaged in discussions of the European Community single market initiative and its impact on European Community member countries, on the U.S. economy and on other parts of the world. Some of the discussions also focused on European monetary union and
the U.S.-European Community negotiations at GATT. In addition, some meetings covered the dramatic events in Germany and Eastern Europe and their implications for European Community.

In London the primary focus of the meetings was on the attitude of British government industry and labor toward the latest major steps to integrate the economies of the European Community countries and to hear from corporate leaders concerning their overall business strategy in the European Community single market. The British have most often questioned major integrative steps. The British government has tended to hesitate to give up its veto power on major issues in a large economic entity dominated by Germany. In our meetings, we were updated on these views. We found, for example, that British business continues to be pro-European Community and that British firms, as those in the U.S., attempt to anticipate future European Community policies and pursue strategies to place themselves well in each major market. However, they also point out the inhibiting local (national) rules that will remain after the internal market is achieved.

We found labor in Britain to be much more sophisticated in their view of the European Community than it was twenty years ago. Labor is concerned about regional differences in the European Community, recognizing that the lower productivity in the United Kingdom, given narrowing dispersion of earnings within European Community countries, leads to increasing problems in competition for jobs. They have a strong interest in the Social Policy of the EC and are attempting to lobby in Brussels as much as at Whitehall.

Two very informative discussions were held with high officials in two major corporations, a U.S. automobile firm with a strong presence in Europe and a major British pharmaceutical firm with a big market-share in the U.S., as well as throughout Europe. The automobile industry is an interesting and important industry to study. The Western European market is approximately as large as the U.S. Two of the largest six firms in the EC market are American. Member states of the EC vary tremendously in the openness of their auto market. A single internal market for automobiles would significantly increase competition, particularly in countries like France and Italy. The American and the European firms both face the increased competition from Japan. The Japanese market share in the EC currently is well below that in the U.S. As they penetrate the European market, the EC faces major decisions, such as whether a Nissan plant in the United Kingdom is considered to be a European firm (as a Ford or GM plant is).

The pharmaceutical industry is also a useful industry to study. For prescription pharmaceuticals, each firm now lobbies at the EC throughout all steps of its legislative process, as well as their own government, to influence legislation that will significantly affect their sales and profits. For example, as in the U.S. with Medicare and Medicaid, governments reimburse firms for drugs supplied to some people. There is a temporary directive in process at the EC with regard to pricing. Also being considered by the EC Commission are patent term restrictions, limitations on advertising and creating the equivalent of an EC Federal Drug Administration.
In Brussels, the primary objective was to hear from members of the European Commission. A total of seven Division or Unit Heads addressed the group. This included the Head of Division for Multilateral Commercial Policies and the Head of Division for Structural Employment Policy and Labor Market. We heard in depth the European Commission position on issues crucial to the United States economy such as the GATT negotiations, the external aspects of the single market program, competition policy within the EC, European monetary union, the Social Charter and the EC view of U.S. government policies (state and local as well as national). Some interesting and useful insights on the tougher issues in dispute between the U.S. and the EC at GATT were discussed. These included agriculture, public procurement, intellectual property and allowable subsidization.

Focusing on the single market program, it is clear that national interests will slow progress toward free trade in goods and services. From the U.S. perspective it is easy to point out obvious areas, as quotas on foreign auto sales in some EC countries, but it is educational to hear EC representatives point out similar restrictions in the U.S. A widely publicized example is the U.S. restrictions on interstate banking. A study of the single market initiative of the EC, with its simultaneous move toward monetary union, and the resulting pressures for harmonization of certain policies (fiscal, taxes like the VAT) and for enhanced regional or structural adjustment policies is an excellent way to take a critical new look at the openness of the U.S. economy.

When we focused on the European Monetary System we heard the EC view on problems of fixed exchange rates among countries with different inflation, real output and labor productivity growth rates. A critical period exists now for two major reasons. On the one hand, can the weaker members continue their convergence of inflation rates toward the low German rate, without excessive unemployment and other social problems and, on the other, can Germany remain the low inflation anchor for the EC given the very high costs of its unification with what was East Germany? Some within the EC consider the system at risk and the announced timetable for monetary union unlikely.

The discussion of the social policies of the EC led to some very interesting comparisons. During the 1980s the U.S. created 12 million jobs and had a falling unemployment rate, while the EC had no net job creation and a rise in unemployment rates to relatively high levels. At the same time EC labor productivity and wage rate growth was substantially faster than in the U.S. As real growth slows in the EC, concern about unemployment is increasing. An increase in both cyclical and structural unemployment leads to a climate that is not conducive to harmonizing upward health and safety standards and to achieving progress for women in the labor force. Further, efforts to achieve a Social Charter that is meaningful becomes more problematic.

Our concluding session at the EC Commission focused on US-EC relations in a more general, political way. After reviewing the basic facts of the high degree of economic interaction between the two economic giants and recent macroeconomic trends, we heard an EC view of the key problem areas to counter the widely-held view in the U.S. that the EC will become a "Fortress Europe".
It was argued that the EC commits itself and its member nations to policies while the U.S., as a federation, commits only the Federal government and not state and local governments. They see the need for Congress to override states who, for example, do 80% of public procurement.

In Germany, the primary objective was to learn the German view of the EC, its single market program, its monetary union goal, and its lesser efforts to develop a Social Charter. This was an important part of our study, because of Germany's dominant role within the EC in trade and foreign investment, because its currency is the anchor of the fixed exchange rate system and because much of the Social Charter proposals at the EC are patterned on German policies. An effort was made to hear from representatives of business, labor and academia to supplement the government view. A second objective, related to the first, was to discuss the economic and social impact of German unification. This was a very exciting time to hear from Germans, since their priority and those of the German government, have inevitability shifted.

German business favors the single market initiative and believes that those in the U.S. who fear a "Fortress Europe" toward outsiders are misunderstanding the dominant EC view. In turn they believe that the U.S. government, with its Super 301 legislation, is being protectionist itself. German labor, while generally in favor of the single market initiative and European monetary union, recognizes the major macroeconomic and structural effects that could impact negatively on labor. They have strong views on proper short-term macroeconomic policies and the establishment of minimum standards for various aspects of social life across the EC. They obviously favor codetermination as part of the EC Social Charter and believe that those who discuss codetermination, especially as practiced in Germany, misrepresent the degree of freedom of management. German labor also questions the speed of the German unification process as this has added to economic pressures on Germany (larger budget deficit, more inflation, higher unemployment) that tend to impact heavily on labor.

Also in Germany, the group had a prearranged seminar at the Essen Institute on US-EC Trade Relations after the GATT Round and on the EC 1992 Program. Each side submitted a paper in advance allowing the meeting itself to focus on major areas of interest or disagreement. The German paper stressed that the effect of Europe 1992 policies should be positive on outside countries because of their overall growth effects. The Germans stressed that the EC Commission is less protectionistic than are the individual governments as it recognizes that the protectionist measures limit the aforementioned growth effects. They admit free trade in services will be more difficult to achieve, but point out the two-sided nature of the problem. For example, the U.S. wants access to the EC market in banking, but we have restrictions on interstate banking in the U.S. This leads to an interesting problem. Should the principal of reciprocity or of national treatment be applied? The European view is that the U.S. sometimes wants a reciprocity that is asymmetrical. The Germans agreed that agriculture is an issue that must be faced and that the Common Agricultural Policy (CAP) needs to be reformed. They pointed out reasons why they believe that this reform will take place, including the high cost of CAP. On the other hand, they do not accept all U.S. criticisms of CAP and point to the subsidization of U.S. agriculture.
The study trip culminated in Berlin. There we visited a university and a research institute to discuss the dramatic events in Eastern Europe. We focussed first on German unification and the economic difficulties in absorbing the east into the rest of Germany. Secondly, we discussed the economic problems of the eastern European countries and their future relations with the EC countries. It was an exciting time to do this, after the period of euphoria, before the economic growth gains begin, and during the period of falling output, rising unemployment and great personal economic insecurity. Some of the group plan to continue a study of these countries, including the united Germany, as they set priorities, privatize and attempt to join the Western international trade and financial community.

Conclusion

In conclusion, this entire project with its diverse aspects, has been a significant endeavor to enhance teaching and learning and faculty research at Ohio Wesleyan University. The existing curriculum has been modified as well as enhanced by the addition of special seminars. International education has indeed been significantly strengthened, from altered Principles of Economics courses to upper-level History of Economic Thought and senior seminars.

The project has also been a very successful interdisciplinary endeavor, bringing together faculty from economics, management, accounting, history, political science, sociology, and philosophy. The overall project topic allowed enough breadth for the group; and we encouraged sufficient individual flexibility and wanted people to pursue established research interests rather than artificially "re-direct" them. Members also discovered complementarities with research done by others. Our "togetherness" in a variety of settings—participation in workshops, teaching of seminars, travelling together, appearance on panels, some joint writing—all these have helped to establish a collegiality that will be fruitful much longer than the official project.

The study trip was invaluable for us. We were able to test our acquired knowledge against the views of our European counterparts. And we learned much anew. Let us cite just a few examples. While we had deliberated on transatlantic trade policy issues before the trip among ourselves and with invited speakers, our discussions in Brussels and our joint seminar at the RWI research institute in Essen opened new perspectives and issues. While we had pursued industry strategy studies on campus, our roundtable discussions with executives from the auto and pharmaceutical industries in London were most beneficial. Hearing the views of British and German business and labor leaders on the EC Social Charter greatly complemented our book learning. The trip also added some significant chapters to our intellectual agenda: for instance, the topic of politicoeconomic unification was, of course, a prominent discussion topic in Germany.

We should mention briefly that we intend to nurture and cultivate a number of relationships with our European contacts. We shall try to bring some to campus in coming years, may do some joint panels with them, and a few of our faculty and students may do research at institutes we have gotten to know.
The project will thus continue beyond its formal termination, as it should. It has and will continue to have a significant impact on our curriculum, the scholarly activities of faculty, and our pleasant and productive interdisciplinary relationships.
SEARCHING FOR THE UNIONIZATION WAGE DIFFERENTIAL

Yalman Onaran
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INTRODUCTION

A trade union is "a continuous association of wage earners for the purpose of maintaining or improving the conditions of their work lives" (Eatwell, Milgate & Newman, 1988). One reason for unions from the workers' point of view is to protect and raise wages. Although trade unions (or labor unions) aim to improve working conditions, the bargaining emphasis is on wages, which are a part of working conditions. It is claimed that unions have been strong restraints against the decline of wages during depressions when the employers desired to lower them. We see that union membership in England doubled during World War I, and wages stayed the same despite the war. During the great depression in the United States, union membership increased, and the small reduction of wages during that time period is striking (Smith, 1976).

Different theoretical models of unions all predict increased wages for workers covered by union contracts (Hamermesh & Rees, 1988). The spill-over effect states that some of this influence of unions on unionized workers' wages is carried over to the non-unionized workers' wages (Ibid). In other words, in a firm or industry with high level of unionization, the wages of unionized and nonunionized workers should be higher than those of their counterparts in a firm or industry with lower level of unionization.

This paper builds a mathematical model to test the influence of unionization on wages of unionized and nonunionized workers to empirically test the hypothesis that unionization increases wages of workers in a firm or industry, more so of the workers covered by union contracts than those who are not.

REVIEW OF LITERATURE

Earlier industry-level studies on the effect of unionization on wage levels have in general concluded that the average earnings differential between union and nonunion workers (manual, nonsupervisory) is 20% (Geroski & Stewart, 1986; Balkin, 1989). Some settle with a lower figure, usually between 10 and 20 percent (Lewis, 1963; Johnson, 1975; Mitchell, 1980; Ashenfelter and Johnson, 1972).

Balkin (1989) and Mitchell (1986) argue that this wage differential has varied over time. According to Balkin and Mitchell, the differential was reduced during the inflationary 1970's, and has increased in the 1980's because "union wages are locked into the terms of a labor contract" (Balkin, p.301) during inflationary periods. Thus, Mitchell concludes that "empirical investigations of wage determination have often produced autocorrelated residuals from time-series wage equations" (Mitchell, p.249). The reason for the change in the differential during any time period is given by economic and political forces at play. Thus, using 1970's and 1980's data together for a time-series analysis will create autocorrelation. 1970's experienced inflation, while the 1980's have been a period of real growth after the recession in early 1980's. The latter part of 1980's have been relatively similar in economic situation, and we can use these data in a cross-sectional study to get a better estimate of the wage differential.

The conventional model for estimating the wage differential using inter-industry data is commonly defined by the equation

$$
\log W_i = f(X_i) + aC_i + e_i
$$

where "W_i is the average earnings of manual workers in industry i, aC_i is the proportion of manual workers in the industry covered by collective agreements and f(X_i) is a function of a control vector of other characteristics" (Geroski and Stewart, 1986). This model simply looks at the direct relation between unionization and average wages.

Edwards and Swaim (1986) employ a model that looks at the earnings of the ith worker which is covered by collective bargaining or not.

$$
\ln(W_i) = B_1X_i + B_2U_i + e_i
$$

The X_i captures the control variables, including demography, education, region and occupation, while U_i is a dummy variable for the ith worker and takes on the value "0" if the worker is not covered by collective bargaining, "1" if the worker is covered. The authors use time series data in this model to see the changes of the wage differential during the end of 1970's; however, we could employ the same model to analyze cross-section data.

Control variables almost always include the demographic variables sex and race, while the form of the function is commonly linear (Mitchell, 1986; Geroski and Stewart, 1986; Edwards and Swaim, 1986).
Sometimes skill or educational attainment is also added to the set of control variables. Occupational differences are commonly controlled for by comparing manual, non-supervisory workers only, and exclude management.

Utilizing the findings of the earlier studies we have talked about, we conclude the following:

1) We should expect a wage differential for unionization;
2) The mathematical model can be estimated using a semi-log equation unless we make additional assumptions about the labor market;
3) We use 1980's data in our analysis as it is a more "normal" time than the 1970's;
4) Sex and race are the two most common control variables employed in unionization and wage analysis.

A MODEL OF UNIONIZATION AND WAGES

If we look at the average wage in a firm or industry, it has to be made up of the average union-wage and the average nonunion-wage. By the average union-wage, we mean the average wage of workers who are covered by collective bargaining, and by nonunion wage, those who are not covered. Thus, the total average wage in the firm or industry can be written as:

\[ W = w_u f_u + w_n (1 - f_u) \]  

where \( W \) is average non-supervisory wage in the industry; \( w_u \) is average wage of unionized workers in the same industry; \( w_n \) of nonunionized workers; \( f_u \) is the ratio of unionized workers to the total. \( W, w_u \) and \( w_n \) are in dollars, while \( f_u \) is a fraction.

Theory tells us that unionized workers and nonunionized workers are affected differently by the amount of unionization in the industry (Hamermesh & Rees, 1988). We can write two separate equations based on this theory, the first of which depicts \( w_u \) and the second one \( w_n \).

\[ w_u = w_c + w_1 f_u \]  

where \( w_c \) is the competitive wage (hypothetical), which all the workers at that industry would be paid if there were no unions. \( w_1 \) is the influence the unionization ratio will have on the wages of workers who are covered by collective bargaining. We can write the equation for the average nonunionized worker by

\[ w_n = (w_c - a) + b f_u \]  

where \( b \) is the influence unionization exerts on nonunion workers, and \( a \) is the difference of the starting point between unionized and nonunionized. \( a \) is expected to be negative, but may turn out to be zero. In other words, the intercepts of the two equations can be equal to the competitive wage; however, that doesn't mean that unions have no influence on wages. The different influence is measured by \( w_1 \) and \( b \).

We should note here that we are building our model on a direct linear relation between unionization and wages, in contrast to the semi-log models employed in previous research. One of our goals, then, is to prove this linear relation.

When we combine equations (1), (2) & (3) above, we come up with

\[ W = (w_1 - b) f_u^2 + (a + b) f_u + (w_c - a) \]  

We can rewrite equation (4) in the following way by substituting a single letter for the coefficients:

\[ W = p + k f_u^2 + m f_u \]  

where \( p = w_c - a, k = w_1 - b, \) and \( m = a + b \).

When we run equation (5) in a regression, the coefficient \( k \) will give us an estimate of the differential of unionization effect on unionized and nonunionized workers' wages, and coefficient \( m \) will be (the difference between the y-intercepts for union and non-union wage curves) + (slope of the non-union wage curve).

METHODOLOGY

In the previous section, we have created a quadratic equation to use in testing our hypothesis. To this equation we add two control variables, race and sex, to measure the effect of the proportion of female workers and/or minority workers in the industry.

\[ W = p + k f_u^2 + m f_u - n RACE - q SEX \]  

where \( RACE \) is the percentage of black and Hispanic workers in the industry; \( SEX \) is the percentage of female workers. The expected signs of \( RACE \) and \( SEX \) are negative because of the theoretical reasons we have discussed in the preceding section.

The sample is made up from industries in the United States. Data for 1984 and 1989 are included in the analysis to increase the number of observations. The five-year gap is due to the need for allowing enough time for different values in the variables to occur. Data from the 1970s are not used because other studies suggest that the impact of unions on wages was different in the 1970s.
To account for the wage differences between 1984 and 1989 that is due to economic factors irrelevant to unionization, a dummy variable YEAR is introduced at this stage.

\[ W = p + k_{u1}^{2} + m_{u} - n_{RACE} - q_{SEX} - r_{YEAR} \]  

(7)

YEAR takes on the value "1" when the observations are from 1984 and "0" when they are from 1989. Equation (7) is the final equation that we use in our regression analysis.

RESULTS

First OLS Results

Table 1 presents the OLS estimates of equation (7) in our model. This equation includes race and sex control variables as well as a dummy variable for the year. The significance of the estimated coefficient for SQUARE rejects the null hypothesis, that is unionization has no second-order influence on wage levels. The coefficient of the variable SQUARE was \( w_1 - b \), where \( w_1 \) is the effect of unionization on the workers covered by collective bargaining and \( b \) is its effect on workers not covered. SQUARE, UNION, SEX and RACE are measured as fractions of the total; YEAR is a dummy variable that takes on the value 1 if the data are from 1984; WAGE is the dollar amount of hourly earnings.

When we check for econometric problems in this OLS output, we run into a few. First of all, the estimated coefficients of SQUARE, UNION and RACE are not statistically significant at any level. Thus, we cannot arrive at the conclusions about the unionization-wage differential as we have just tried to do above. Moreover, when we look at the correlation matrix, we see that there is high linear correlation between SQUARE and UNION, SEX and every other independent variable (except YEAR), RACE and every other variable (except YEAR). These econometric problems force us to rethink our model and come up with a new equation that captures what our hypothesis is out to test without endangering the theoretical justification behind it.

Table 1 Variables and Coefficients (First OLS)

<table>
<thead>
<tr>
<th>Independent Variables</th>
<th>Estimated coefficient</th>
</tr>
</thead>
<tbody>
<tr>
<td>SQUARE: unionization ratio squared</td>
<td>17.345</td>
</tr>
<tr>
<td>UNION: unionization ratio</td>
<td>-4.871</td>
</tr>
<tr>
<td>SEX: female workers to total ratio</td>
<td>-9.681</td>
</tr>
<tr>
<td>RACE: black workers to total ratio</td>
<td>3.998</td>
</tr>
<tr>
<td>YEAR: 1 if 1984, 0 if 1989</td>
<td>-1.561</td>
</tr>
<tr>
<td>Constant</td>
<td>13.907</td>
</tr>
</tbody>
</table>

\( R^2 = 0.7930 \) (adjusted=0.7068)

The high linear correlation between SQUARE and UNION requires us to drop one of them from the equation. The coefficient of UNION would give us \( a + b \), where \( a \) is the difference between the intercepts of the wage curves of unionized and nonunionized workers and \( b \) is the effect of unionization on nonunionized workers' wages. This coefficient is not necessary for the explanatory function of our model, while as we have seen above, the coefficient of SQUARE, which gives \( w_1 - b \), is absolutely necessary. Because there is a very high linear correlation between SQUARE and UNION (0.963), and because the two are conceptually linked as well, the impact of the two variables on the dependent variable should be captured by one of them. Thus, we can drop UNION from our equation without hurting the explanatory power of the model too much.

SEX has high linear correlation with most of the other independent variables; however, it also has a statistically significant coefficient and a large coefficient, the second biggest after SQUARE. Given the historical and current context of American society, it is not hard to understand the high input gender has on wage differences. The literature reveals women's wages to be lower than men in average. Thus, deleting SEX variable from the equation might hurt the explanatory power of the system deeply. When we keep SEX, and drop UNION and RACE, the only linear correlation that is bothersome is between SEX and SQUARE, and it doesn't constitute too big a problem because the correlation between SQUARE and WAGE (0.498) is almost equal to the above correlation (0.500).

The reason we included RACE as a control variable was because of historical evidence that suggested lower wages for blacks in the U.S. However, our data analysis showed us that racial composition of the industry is not an important determinant of wages in that industry. Moreover, the high linear relations RACE has with SEX and SQUARE should be adequate for us to capture its influence on wages without including it as a control variable.

Second OLS Results

After we drop RACE and UNION from our equation for the reasons we discussed above, we get the results on Table 2. The coefficient of SQUARE is still proving our hypothesis of unionization's influence on unionized and nonunionized workers' wages. The corrected differential is now 9.576, much lower than the 17.345 value the first OLS had predicted, but we can understand the reason for this lower value when we think about the high
multicorrelations that existed between variables in the first equation, especially the one between SQUARE and UNION.

Table 2 Variables and Coefficients (Second OLS)

<table>
<thead>
<tr>
<th>Independent Variables</th>
<th>Estimated coefficient</th>
</tr>
</thead>
<tbody>
<tr>
<td>SQUARE: unionization ratio squared</td>
<td>9.576</td>
</tr>
<tr>
<td>SEX: female workers to total ratio</td>
<td>-8.502</td>
</tr>
<tr>
<td>YEAR: 1 if 1984, 0 if 1989</td>
<td>-1.608</td>
</tr>
<tr>
<td>Constant</td>
<td>13.331</td>
</tr>
</tbody>
</table>

R² = 0.7911 (adjusted=0.7464)

The coefficient of SQUARE is now statistically significant at the 0.0005 level, constituting a big jump from no significance in the previous OLS. The significance of SEX has also increased from 0.1 level to 0.0005 in the new output. The high value of R² (0.7911; adjusted-0.7464) and the significance of the F-statistic (at 0.001 level) are also positive indications for the explanatory power of the new equation.

Implications

Using the second OLS results as a basis for our analysis, we can create a "unionization wage differential" by looking at the coefficient of the variable SQUARE. The value of the coefficient, 9.576, represents w₁ - b, the difference between the influence of unionization on unionized workers' wages and nonunionized workers' wages. In other words, there is a difference of 9.576 between the slopes of the wage curves of unionized workers and nonunionized workers. For example, if the slope of wₙ was 3.5, the slope of wᵤ would be 13.076. We can illustrate this graphically in Figure 1.

Figure 1 Wage and Unionization

The hypothesis that unionization has positive effect on wages is supported by our findings. We have a strong association between union contract existence and higher wages. In addition, we have seen that the demographic factor, the ratio of women to men in an industry, has significant influence on unionization as well as affecting wage levels directly. The higher the ratio of women to men in an industry, the lower the amount of unionization and average hourly wages.

Another implication from the results of our study is the surprising finding that racial composition of the industry has very little impact on wage levels. More surprising is that, although we were expecting a negative sign for the RACE variable, it turned out to be positive in our first OLS output.

In sum, unionization increases wage levels, more of the unionized workers than the nonunionized; the ratio of women in an industry is negatively correlated to wages and unionization; and racial composition has smaller impact on wages than we have expected.

A methodological implication arising from our results is the strength of the quadratic model employed in our analysis. Contrary to the well-accepted assumption that unionization has a semi-log correlation with wages, we
have built and tested a quadratic model which revealed higher R² than most previous models. The strength of the quadratic model employed can be attributed to the strong emphasis it places on the spill-over effect, which, although prominent in theory, is often overlooked in empirical models.

LIMITS & CONCLUSIONS

As we have mentioned in the previous sections, the model has some weaknesses and we have to consider these fully before reaching any final conclusions about unionization and wages. Because the variable SEX has impact both on wages and unionization, we have to realize that the unionization wage differential we have found above is not a perfect measure of unionization impact on wages. The influence of SEX on unionization, and thus, the indirect influence of SEX on wages, is not captured by our model. Although we have eliminated the control variable RACE from our equation due to its low coefficient, multicollinearity with other variables and lack of significance, we should realize that a model testing a different hypothesis could find a significant correlation between racial composition and wages. We have a positive coefficient for RACE in our results, contrary to our expectancy of a negative coefficient. We should not jump to the conclusion that RACE does have a positive impact on wages because of the lack of significance the coefficient of this variable has in this model. Also, we have only looked at the ration of blacks in the industries, and the omission of Hispanics and other minorities in our study might be a weakness causing some of the problems we have encountered with this variable.

Another important factor that might have a negative impact on our findings is our data sample. We have compared the wages, unionization levels, female to male ratios of the 9 major industrial divisions in the United States. As we have discussed in the review of literature, some economists are skeptical of the predictory value of inter-industry studies. Our model does not attempt to control for the inter-industry differences in wages due to the economic cycles each industry was going through. The manufacturing industry might be in a better situation than the retail industry based on demand and other economic factors, and that might have a positive impact on the wages in the manufacturing industry. Thus, the fact that we have looked at industries instead of individual firms in one industry could have reduced the explanatory power of our results.

A similar study employing inter-firm data would be appropriate for further analysis and improving consistency. Also, a separate study looking at both the impact of racial composition and female to male ratio in American industries could be of high interest to the reader and could help clarify the understanding of our model.

A structural problem might have arisen due to the dropping of UNION from the original equation. The final equation (7) derived was quadratic in structure with \( f_u^2 \) and \( f_u \). When we drop \( f_u \), we run the risk of injuring the model structurally. We justified this omission by pointing out to the high linear correlation between UNION (\( f_u \)) and SQUARE (\( f_u^2 \)), and that the effect of UNION on wages should be captured by SQUARE. Thus, we can hope that this assumption is true, but should keep our reservations about the explanatory power of the model.

Given the weaknesses above, we still conclude that unionization has positive effect on wages, with greater impact on the wages of unionized workers than nonunionized workers. Even if the assumptions we have made above to justify the omissions above are not true, the model is still strong enough to indicate that \( w_1 - b \) is positive and \( w_r \) is greater than \( b \). Thus, we conclude by saying that our basic finding about the effect of unionization on wage levels holds out in the time period (1984-89) we have selected for analysis.

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